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The Melvilles, Earls of Melville

and

The Leslie, Earls of Leven

In Three Volumes Quarto, with Illustrations.

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*Georgius Comes de MELVILL, Vicecomes de Kirkaldy,
 Dominus de Raith, Monimail, et Ballwearie;
 Serenissimis principibus Gulielmo tertio Magnae Britanniae
 Franciae et Hiberniae Regi, et Mariae Reginae, pro antiquo
 Scotiae regno PROREX; Solusq; status Secretarius.*

+

THE MELVILLES

EARLS OF MELVILLE

AND THE LESLIES

EARLS OF LEVEN

BY
SIR WILLIAM FRASER, K.C.B., LL.D.

IN THREE VOLUMES

VOLUME FIRST—MEMOIRS

EDINBURGH—MDCCCXC



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Introduction

THE LEVEN AND MELVILLE PEERAGES.

IN the month of August 1856, a request was made to me by David, Earl of Leven and Melville, and his two brothers, the Honourable John Leslie Melville, and the Honourable Alexander Leslie Melville, to meet them at Melville House. The health of the earl's only surviving son—the gallant and amiable Alexander, Lord Balgonie—a major in the army, had suffered severely in the Crimean war, and the progress of his indisposition occasioned much anxiety to his venerable father. The earl was the holder of the two earldoms of Leven and Melville and the minor dignities of Lord Balgonie and of Viscount Kirkcaldy and Lord Melville of Monimail, etc., connected with these respective earldoms. He was also proprietor of the entailed estate of Melville, and of the unentailed estate of Hallhill and others.

In the belief that the personal peerages and the landed estates were always intended to descend to and be enjoyed by the same heirs, the earl considered it to be his duty to make arrangements to provide for this so far as lay in his power. His peerages were held under patents granted by successive sovereigns, James the Sixth, Charles the First, and Charles the Second, and also by King William the Third. One at least of these original patents, that of the earldom of Leven, which was limited to heirs-male, had been surrendered in the hands of King Charles the Second, and a regrant made to include heirs-female as well as male. Under that regrant, on the failure of heirs-male, two heirs-female successively enjoyed the earldom of Leven. From this fact it was inferred by certain lawyers that heirs-female could succeed whenever the succession opened to

them. The Earl of Leven and Melville had obtained advice in reference to the succession both to his peerages and his entailed estate of Melville in the event of his only son dying without issue, but the advice had been contradictory and therefore unsatisfactory.

It was in these circumstances that I was requested to attend a conference with the earl and his two brothers, when I stated my opinion that in the event of the death of Lord Balgonie, all the peerages would descend to the heir-male of the family, and that the entailed estate of Melville would be separated from the peerages and be inherited by the heir of line. But that opinion was given with reserve, as I had not had an opportunity of examining all the original patents, the resignations, and regrants of them. Before an authoritative and reliable opinion could be given, I suggested that the patents and regrants should all be carefully examined.

At the request of the family I undertook such an examination. The result was given in a statement completed by me in May 1857, with reference to all the Leven and Melville peerages. My opinion was confirmed that these were all descendible to the heir-male of the then Earl of Leven and Melville. My statement in manuscript extended to upwards of one hundred folio pages, and I believe it is still in manuscript, never having been printed.

TRUST-SETTLEMENTS BY EARL DAVID IN 1857.

The great anxiety of David, Earl of Leven and Melville, in reference to the succession to his peerages and estates, will be best explained by the measures which he adopted to avert what he feared was a crisis in the history of the family. While Lord Balgonie was still alive, Earl David executed on 14th July 1857 a disposition and settlement of his estates. The circumstances which induced his lordship to grant it are fully narrated in the following terms:—

“Considering that whereas I have been advised that the earldom of Leven, and the earldom of Melville, and barony of Melville of Monimail, and other titles of honor vested in my person, are or may be held and assumed by the investitures thereof to stand so destined as that the same may descend to heirs-

male to the exclusion of heirs-female : and whereas I have been further advised that the entailed estate of Melville and others, also vested in my person, are or may be held and assumed by the investitures thereof to stand so destined as that the same may descend to heirs-female to the exclusion of heirs-male : and whereas I am fully satisfied that it was the express desire and intention of my ancestors that the destination of the estate should make the same to descend to the same series of heirs as under the investiture of the titles of honor, that such intention was originally carried into effect and enforced in successive generations by my ancestors at the sacrifice of their feelings towards the younger branches of the family, and for the advantage of those inheriting the honors, and that if the original provisions regarding the estate are not effectual after my decease for the same purpose, and a divergence of the destinations of the honors and estates to different series of heirs shall thereafter take place, it will have arisen solely from misconception as to the destination of the honors belonging to the family, so that it is incumbent on me, alike from the same motives of preserving the dignity and standing of our house which actuated my ancestors, as in return for the benefits derived by me personally under the arrangements made by them, to make provision, so far as in my power, that the objects originally contemplated be hereafter as hitherto secured, and that in the event of the said entailed estate descending to heirs-female, and of the said titles of honor, and all and every one of such titles of honor descending to heirs-male, but only in that event, then and thereupon the several heirs shall transact, by means of excambion or disentail, or otherwise, for the transfer of the mansion-house of Melville and lands adjacent thereto, to the end that the same shall become re-united and descendible along with the said titles of honor, and so remain in all time to come ; therefore, and for aiding and promoting such re-union, and the causes and considerations aforesaid me moving, I hereby dispoise, convey, assign, and make over to and in favour of my now only son, Alexander Leslie Melville, commonly called Lord Balgony, and the heirs-male of his body ; whom failing, to the heirs-female of his body succeeding to him in the titles of honor now vested in me, or to any one or more of such titles of honor ; whom failing, to the other heirs-female of my own body succeeding to the said titles of honor, or to any one or more of such titles of honor ; whom failing, to the Hon. John Thornton Leslie Melville, my brother, and the heirs-male of his body ; whom failing, to the Hon. Alexander Leslie Melville, my brother, and the heirs-male of his body ; whom failing, to the heirs-female of the said John Thornton Leslie Melville succeeding to the titles of honor, or to any one or more of such titles of honor ; whom failing, to the heirs-female of the body of the said Alexander Leslie Melville, succeeding to the said titles of

honor, or to any one or more of such titles of honor; whom all failing, to my heirs and assignees whomsoever."

The lands contained in that disposition were the manor-place of Monimail and mansion-house of Melville, Letham, Coldecoats, Monksmyre, Edensmuir, patronage of Monimail, Pitlair, and others, all erected into the lordship and barony of Monimail, by charter granted by King Charles the Second, dated 1st October 1669; also the lands of Patheondie and Muirfield, part of Uthrogal, and the Wards Park of the barony of Hallhill.

As the barony of Monimail had been entailed in the year 1784, by the grandfather of David, the eighth earl, and as doubts existed as to the latter's competency to dispoine them to a different class of heirs from those named in that entail, provision was made in his disposition and settlement in the following terms:—

"And in the event of the foregoing disposition being found not effectual to convey the lands and others above described, but only in that event, I do hereby dispoine, assign, and make over to, and in favour of the said Alexander Leslie Melville, Lord Balgonie, and his foresaids in the second place, all the unentailed lands belonging to me at my decease."

These unentailed lands included Easter Collessie called Hallhill, Muirfield, parts of Uthrogal, parts of Hilton, Carslogie and Sunnybraes, with subjects in the village of Letham and others.

The disposition and settlement also contained the following provision:—

"Providing always and declaring, as it is hereby expressly provided and declared, as a condition irritant and resolute of the destination in favour of heirs-female above written, that in the event of the succession thereby opening to an heir-female, the first heir-female entitled thereto shall be allowed the space of eighteen months from and after that event to claim and establish, by due order of law, her right to succeed to and assume the titles of honor aforesaid, or any one or more of such titles of honor: and upon and after the elapse of the said space of eighteen months, and failure of the first heir-female to establish her right to such titles or title of honor as aforesaid, then and thereupon the whole destination in favour of heirs-female, not only the first heir-female, but also all the substitute heirs-female, is, and shall be held to be and become, void and null, and of no force, strength, or effect whatsoever, and the destination is and shall stand

limited to heirs-male throughout the order of succession, exclusive of heirs-female altogether, without any process of law for that purpose. . . . And further providing that if this disposition shall be found sufficient to convey the lands disposed in the first place, then the conveyance of the other subjects in the second place shall be superseded and of no force or effect."

DEATH OF LORD BALGONIE, 28TH AUGUST 1857, AND ADDITIONAL
TRUST-SETTLEMENT BY HIS FATHER.

Shortly after the execution of that disposition and settlement, Alexander, Lord Balgonie, died on 28th August 1857, and Earl David had then to make further settlements to meet the altered circumstances. On 12th October following, his lordship granted a trust-deed which narrates the death of his son, as follows:—

"The decease of my son Alexander Leslie Melville, Lord Balgonie, and the failure of heirs of his body, whereby the succession falls to the heirs substituted to them by the destination hereinbefore written, and now seeing it is proper to make certain additions to the foregoing disposition and settlement, and also to establish and interpose a trust for the more effectually securing and executing the whole provisions and purposes of the same."

He therefore nominated and appointed the honourable John Thornton Leslie Melville aforesaid, the honourable Alexander Leslie Melville aforesaid, and their eldest sons respectively, granting in their favour the whole subjects in the said disposition and settlement, etc.

"But declaring that these presents are granted by me in trust only, and for the uses and purposes following, to wit,—*primo*, to be held the whole trust-estate by the said trustees for the use and behoof of my heirs called and appointed to the succession by the said disposition and settlement before written in their order, and for implement of the provisions and conditions of the same; *secundo*, my intention now being to make a settlement in strict entail in terms thereof, to denude the said trustees by executing, recording, and completing by infestment a disposition and deed of entail of the lands and other heritages before disposed in favour of my said heirs, with prohibitory, irritant, and resolute clauses, and all other clauses usual and requisite to make the same binding and effectual, and so conceived as to bind the institute or person in whose favour the same is directly granted, as well as the other heirs of entail, and to retain the personal estate,

heritable debt, and proceeds thereof, as also any bequests in favour of the said trustees by my last will and testament, here held to be part and portion of the personal estate under this trust, and when convenient after realizing the same to employ and lay out the free proceeds in the purchase of other lands or heritages to be settled and entailed in the same manner as above provided and directed."

LAST WILL BY EARL DAVID, 12TH OCTOBER 1857.

On the same date, 12th October 1857, Earl David made his last will and testament. He thereby made further bequests to each of his second, third, and fourth daughters. He also left and bequeathed to his heirs succeeding to him in the mansion-house of Melville all effects and moveable property of every kind and description whatsoever, which should be contained in the said mansion-house and belong to him at his decease, it being his wish and intention that the same should remain there for the use and benefit of his said heirs, but that always under the burden and subject to the payment by his said heirs of £3000 sterling thereby bequeathed to the trustees for the heirs succeeding to him in his titles of honour under his special disposition and settlement in their favour; and lastly the earl bequeathed to his trustees the whole free residue of his moveable estate.

LAW-SUIT BY EARL DAVID TO VOID ENTAIL OF MELVILLE, 1858.

In pursuance of his intentions as to his titles and estates, Earl David on 31st May 1858 instituted an action of declarator in the Court of Session against his daughters and all the other heirs of entail in the estate of Melville under the entail made by his grandfather in the year 1784. The action was instituted for the purpose of having it found that the entail was invalid, and the earl entitled to dispose of the estate in fee-simple.

Before the action was decided by the Court of Session, David, Earl of Leven and Melville, died, in 1860, and the trustees nominated by him insisted in the action. The Court ultimately, by decree dated 12th June 1861, decided in favour of the eldest daughter of Earl David, Lady Elizabeth Jane Leslie Melville Cartwright, who thus succeeded to the barony of Melville, while the earl's next brother John succeeded to the titles and became ninth Earl of Leven and eighth of Melville.

ENTAIL BY EARL DAVID'S TRUSTEES OF HALLHILL, ETC., 1864.

After this decision in favour of Lady Elizabeth Cartwright, the trustees named by her father made up titles to the unentailed estates conveyed to them, and on 29th and 30th November 1864 they entailed these in favour of John Thornton Leslie Melville, Earl of Leven and Melville; whom failing, the Hon. Alexander Leslie Melville, his brother, and the heirs-male of their bodies respectively; whom all failing, the heirs and assignees whomsoever of the deceased David, Earl of Leven and Melville.

The lands thus entailed were Easter Collessie, called Hallhill, Muirfield, and others, erected into the barony of Hallhill; the lands of Hilton, Carslogie, Sunnybraes, Uthrogal, and others.

ENTAIL BY EARL DAVID'S TRUSTEES OF PART OF GLENFERNESS, 1869.

The trustees of Earl David further, in 1869, purchased the easter portion of Glenferness, in the county of Nairn, for £12,000,¹ and soon afterwards they made a second entail,² narrating that the conveyance of the barony of Monimail, disposed in the first place by settlement of Earl David, was found to be ineffectual, and the conveyance of the lands therein disposed in the second place became operative; that Lady Elizabeth Leslie Melville Cartwright had failed to establish her right to any of the titles of honour vested in her father, and therefore that the whole destination in his settlement in favour of heirs-female, not only the first heir-female, but all the substitute heirs-female, has become void, and the destination in his settlement now stands limited to heirs-male throughout the order of succession.

This entail of 1869, after referring to the previous entail of Hallhill in 1864, proceeds to narrate the purchase by the trustees of part of Glenferness, being the lands of Airdrie and others as described, which are thereby entailed on the same heirs as in the entail of Hallhill in 1864. The entail also contains a declaration that John, Earl of Leven and Melville; and each heir of entail who should succeed to the lands and others disposed, shall be

¹ On the same date, John, Earl of Leven and Melville, acquired the wester and larger portion of the same property for £47,900.

² Dated 19th, 23d, and 26th November, and recorded in the Register of Entails 10th December 1869.

obliged to bear, use, and constantly retain the surname of Leslie Melville, and the coat armorial of Leven and Melville, without prejudice to his bearing, using, and retaining along therewith any other surname and coat armorial and other title of honour. A similar declaration is contained in the entail of Hallhill and other lands entailed in 1864.

EXCHANGE AND ENTAIL BY EARL JOHN OF HIS PORTION OF GLENFERNESS
FOR HILTON, ETC., IN FIFE, 1870.

In the year 1870, John, Earl of Leven and Melville, proprietor of the larger portion of Glenferness in fee-simple, and also proprietor in entail of the lands of Hilton and Sunnybraes, and others, entered into a contract of excambion and deed of entail whereby he disentailed Hilton and Sunnybraes, etc., these lands becoming his property in fee-simple, while he entailed the larger portion of Glenferness acquired by himself upon the same series of heirs on whom the smaller portion of Glenferness had been entailed by the trustees of Earl David in 1869.¹

GENERAL EXPLANATION OF HISTORICAL PAPERS AT MELVILLE HOUSE, AND
PROPOSAL TO PRINT THEM IN 1857.

While engaged in examining the Melville muniments in reference to the succession of the family peerages in the year 1857, as already explained, I discovered many interesting historical documents in the extensive collection. These included several charters to the family by King William the Lion, letters from Mary Queen of Scots, King William the Third, and his Queen Mary, Sophia, Electress of Hanover, her son, the Elector, afterwards King George the First, and many other distinguished persons. I submitted to David, Earl of Leven, that the charters and correspondence, with a detailed history of the Melvilles, Earls of Melville, and the Leslies, Earls of Leven, would form a valuable and interesting family record. Lord Leven listened favourably to the suggestion, and

¹ The lands of Hilton and Sunnybraes, etc., and Melville, who left them to his sister. thus disentailed by Earl John, were inherited The lands have thus become entirely separated from the main line of the family. by his son Alexander, the late Earl of Leven

some preliminaries were arranged with him for carrying it out, but he only survived the loss of his son; Lord Balgonie, a few years, and little progress was made with the proposed work. Lady Elizabeth Leslie Melville Cartwright, who succeeded to the entailed estate of Melville, and her husband, Mr. Leslie Melville Cartwright of Melville, however, both favoured the proposal for a Melville Family Book, and contributed to carry it out. Under the trust-deed of her father, her ladyship had acquired the contents of Melville House, including the muniments of the family. Although disappointed that my investigations into the origin and descent of the Leven and Melville peerages did not result in encouraging her to claim one or more of them as allowed under her father's trust-deed, her ladyship did not challenge my opinion, but generously intrusted me with the custody of such of the Melville muniments as had come into my possession, in the hope that some favourable opportunity might occur for forming them into a family history. Her uncle, Earl John, who was satisfied with my opinion about his right to the peerages, and who as the inheritor of them was entitled to the delivery of the patents and resignations and regrants, also deposited these in my custody. His son and successor, the tenth earl, also followed his example in this respect, and I had the satisfaction of being thus intrusted both by the heir of line and the heir-male with their respective portions of the family muniments.

THE MELVILLE BOOK, AUTHORISED BY LADY ELIZABETH LESLIE MELVILLE
CARTWRIGHT.

Lady Elizabeth Leslie Melville Cartwright and her husband, Mr. Leslie Melville Cartwright, having thus resolved to carry out the long contemplated family history, were pleased to confide to me the task of completing it. The writing of other family histories, which were also confided to me, retarded the progress of the present work, but it has now been finished in three quarto volumes. The first of these contains a detailed HISTORY of the families of Melville and Leslie from Galfrid Melville, who was a justiciar of Scotland in the time of King Malcolm the Maiden and King William the Lion, down to his living descendants. The second volume contains the CORRESPONDENCE

of the family from the time of King James the Fifth and Queen Mary. The third and last volume contains the CHARTERS and miscellaneous muniments of the family from the time of King William the Lion.

Prefixed to the respective volumes of Correspondence and Charters are full abstracts of the contents of each volume. These abstracts will facilitate reference both to the correspondence and charters. There is also a comprehensive index in the third volume, to all the persons and places mentioned in the three volumes.

THE LEVEN AND MELVILLE PAPERS, PRINTED IN 1843.

The late Honourable William Henry Leslie Melville, who was the immediate younger brother of John, ninth Earl of Leven, took a great interest in the history of his family, and specially interested himself in their muniments. He was for many years in India in the Honourable East India Company's service, and after his return to England he became a director of the Company. He was a member of the Bannatyne Club, and in the year 1843 he presented to the members of that club a large quarto volume extending to 608 pages, and including nearly six hundred letters and papers. The volume is known as the "Leven and Melville Papers," or, as more fully described in the title-page, "Letters and State Papers chiefly addressed to George, Earl of Melville, Secretary of State for Scotland, 1689-1691, from the originals in the possession of the Earl of Leven and Melville." A preface, written by Mr. Melville, and dated from London, April 1843, extends to 30 pages and is very interesting. Lord Macaulay in his "History of England" makes several references to that work, and he pays a graceful compliment to Mr. Leslie Melville, who, he says, "has deserved well of all students of history, by the diligence and fidelity with which he has performed his editorial duties."¹

KING LOUIS PHILIPPE'S COPY OF THE ABOVE WORK.

One copy of Mr. Leslie Melville's work had a somewhat romantic history. It was presented either by himself or by his eldest brother David, Earl of

¹ "History of England," vol. iv. p. 187 n.

Leven and Melville, to Louis Philippe, then king of the French, who had it bound in a very sumptuous style, and stamped on both sides with his initials L. P., surmounted by a royal crown. At the Revolution of 1848, the library of the king appears to have been at least partially dispersed. His copy of the "Leven and Melville Papers" found its way into the shop of a bookseller at Bath. A medical gentleman there observed the book for sale, and being a friend of Mr. Leslie Melville, he advised him of this. Mr. Melville acquired it, and presented it to the library at Melville House, where it is still preserved.

INTENDED ADDITIONAL WORK ON THE MELVILLE FAMILY BY
MR. WILLIAM LESLIE MELVILLE.

Mr. Leslie Melville's work, although containing nearly 600 of the Melville letters and papers, was limited to the two years, 1689-91, when his ancestor was Secretary of State for Scotland. His work left untouched the other and larger portion of the collection of manuscripts at Melville. Mr. Melville continued his study and arrangement of these with a view to the future publication of them. He communicated with me on that subject very frequently when he was in Edinburgh in the autumn of the year 1852, and afterwards. But he had not then any settled plan except that he was anxious to make the additional work less bulky than his contribution to the Bannatyne Club. Mr. Leslie Melville continued to consider the subject of the publication of additional Melville muniments, till the date of his death in 1856. He knew the history of his family well, and could dilate upon it with great accuracy, and his preface to the Bannatyne contribution shows that he had made a careful study of the subject. He often confessed to me that the history of the Melville family as given in the Peerage Books was imperfect, and he anxiously desired to have it made more complete. From his long study of the subject, I had hoped to find some notes or memoranda in addition to his preface, but no trace of any notes or memoranda by him have been discovered, and the only assistance which I have received in connection with the present work from Mr. Melville's long labours on the family muniments is that contained in his preface to the Bannatyne book.

Mr. Melville was a very estimable gentleman, much respected by a wide circle of relatives and friends. There is at Melville House a characteristic oil portrait of him. At the time of his death there was circulated among his friends a small sketch in water-colour which showed his features very vividly.

HIS DISAPPOINTMENT AT NOT FINDING MORE OF THE CORRESPONDENCE
OF THE FIRST EARL OF MELVILLE.

In his preface, Mr. Leslie Melville remarks that "only a few of Lord Melville's own letters appear in this collection, but they are all of which copies have been preserved."¹ Mr. Leslie Melville explained that he had made searches in the British Museum and State Paper Office, and at Welbeck, the seat of the Duke of Portland. But he was unsuccessful in finding more of his ancestor's letters in these repositories. He remarks with disappointment that he was not permitted personally to make the searches in the two public offices named, in the same way as he himself was allowed to inspect the correspondence at Welbeck.

MORE OF LORD MELVILLE'S LETTERS SINCE DISCOVERED.

During my own investigations for letters of the first Earl of Melville, I have been more successful.

In the charter-chest of his grace the Duke of Hamilton I discovered twenty-six original letters of the first Earl of Melville, between the years 1689 and 1692, and they are included in the present work.² In the same great repository I discovered several letters written by the first Earl of Leven to the Marquis of Hamilton,³ when they were co-operating together under Gustavus Adolphus in his great wars. One of these letters from Leslie gives a detailed account of the death of Gustavus. All these letters of Leslie, with six original letters of Gustavus Adolphus himself, are, from the same source, included in the present work.⁴

¹ Preface, p. xl.

² Vol. ii. of this work, p. 125, Nos. 149-174.

³ Vol. ii. of this work, p. 77, Nos. 101, 105-107, 109-114.

⁴ Vol. ii. of this work, pp. 13-21, Nos. 17-22.

THE VOLUME OF CORRESPONDENCE OF THE PRESENT WORK.

The volume of CORRESPONDENCE, being the second of this work, is very different from the one which was printed by Mr. Leslie Melville, which was restricted to the transactions of two years, 1689-1691, in connection with the Revolution settlement. The present publication has a much wider and a more varied range of subjects. It contains ROYAL LETTERS from King James the Fifth, Queen Mary, and successive sovereigns down to King William the Fourth, also STATE and OFFICIAL letters from many statesmen in Scotland and England, including John, Duke of Marlborough, and John, Duke of Argyll, two great military commanders, Lord Godolphin, the high treasurer, and Lord Somers the lord chancellor, about the union between England and Scotland. The third division of letters is the FAMILY or DOMESTIC letters. This includes a variety of correspondents, the Duke of Monmouth, Jane, Duchess of Gordon, William Cowper the poet, George Chalmers on the progress of his "Calcdonia," Dr. Thomas Chalmers on his removal from the parish of Kilmany by a call to Glasgow, where his fame as an eloquent pulpit orator was acquired, George Dempster of Dunnichen, Zachary Macaulay, father of the historian, the Earl of Buchan, Charles Kirkpatrick Sharpe, and other writers of note.

THE THREE MELVILLE BROTHERS AND QUEEN MARY, AND HER LETTERS TO SIR ROBERT MELVILLE FROM LOCHLEVEN, ETC.

As three Melville brothers, Sir Robert Melville, afterwards first Lord Melville, Sir James Melville of Hallhill, author of the *Memoirs*, and Sir Andrew Melville of Garvock, all held places of great trust and confidence under Queen Mary and her son, King James, it might be expected that more of the queen's letters to them should have been preserved. Any letters addressed by the queen to Sir James and Sir Andrew Melville would be properly in the custody of their respective representatives.¹

¹ In a book sale at Sotheby's in London, in 1879, there occurred a copy of Theodore Beza's "Confession of the Christian Faith," printed 1560. It belonged to Queen Mary, having her name stamped in gold on both sides of

the cover. It is supposed that it was presented by the queen to Sir James Melville, as it bears his autograph signature. The book was catalogued as an "extraordinary rarity," and it brought the high price of £149. Sir

Those addressed to Sir Robert Melville, and now preserved at Melville House, are only six in number. Many more letters must have been written by Queen Mary to Sir Robert Melville. One important letter from the queen to him as her trusty servant, in which she explains her marriage with Bothwell to be submitted to Queen Elizabeth, is printed by Anderson in his collection¹ from a state register of letters by Queen Mary among the public archives. One of her Majesty's letters to Sir Robert, written while she was a prisoner at Lochleven, is of interest, as it shows the straits to which she and her maids of honour were reduced for necessary apparel. The island fortress was unsuitable for a royal household as well as a private family. The queen requires Melville to send "my madynis clais, for thai ar naikit."² The same letter discloses that the queen had been bent in occupying part of her time in embroidering, as she asks for supplies of "sewing gold and silver."

That letter was printed as part of the Melville papers in the Miscellany of the Maitland Club,³ where there is also given a facsimile of the letter, which, however, does not give a true representation of the original, and its faded ink, being reproduced in ink of a very dark colour.

According to popular tradition, the queen's correspondence was so watched by her jailers at Lochleven that she was denied proper paper and ink. The appearance of the original of this letter might support the legend that the queen sometimes had recourse to the soot in the chimney of her apartment to serve for ink. The paper on which the letter is written is very coarse in quality, and the ink is very faint.

In a letter from Sir Robert Melville to the laird of Lochleven he asks to be excused to the queen for not sending "her baggage" sooner.⁴

The request in the queen's letter for embroidering needles and other materials is the more interesting because the identical work on which she

Walter Scott paid a tribute to the "Memoirs" written by Sir James. He said that they may "justly be compared with the most valuable materials which British history affords."—[History of Scotland, edition 1850, vol. ii. p. 93.]

¹ Vol. i. pp. 102-107.

² Vol. ii. of this work, p. 7, No. 8.

³ Vol. iii. p. 186. The date of the letter in that work is stated in the heading of it as 3d September 1567, while in the text it is printed the iiij September. In the print the queen asks "rasene" needles to be sent to her at Lochleven. But the original says "rasour" needles.

⁴ *Ibid.* p. 232.

and her maidens employed their art at Lochleven is believed to be still in existence, in the possession of the Earl of Morton at Dalmahoy House, his ancestor being the custodier of Queen Mary. The relic in question is a piece of ancient worked tapestry which covers a folding screen. It is unfinished as the queen left it at her escape. As described by a lady writer, Miss Strickland,¹ who had carefully examined it, the screen is "wrought with coloured wools in fine tent-stitch, on canvas of precisely the same fabric as that used by ladies of our own times for that kind of work; it is about twelve yards in length, but in separate breadths, arranged one above another, on a high folding frame to form a screen. . . . The design is most elaborate, being a succession of pictorial groups of ladies and gentlemen dressed in the costume of the period, and richly decorated with rings, brooches, and chains. The jewels are worked in glazed flax thread, in satin stitch, and the pearls indicated by white dots." Miss Strickland also in her work, to which reference may be made, gives a full account of the figures on the screen, which, however, is too long for repetition here. Sir Walter Scott, who saw the screen, confessed himself unable to make out the story, and fancied it must have been taken from some old ballad or French or Italian romance. But Miss Strickland expresses the opinion that the figures on the tapestry are "an allegorical illustration of the ill-fated loves of Mary herself and Darnley, the opposition to their union by Queen Elizabeth, her determined hostility to both, and his tragical death."²

QUEEN MARY AT LOCHLEVEN CASTLE, AND VISITS TO HER THERE BY
SIR ROBERT MELVILLE.

During the years between 1561, when the queen returned from France to take up the rule of her own kingdom, and 1567, when she was imprisoned at Lochleven, Queen Mary made several pleasant visits to Lochleven. Apartments were fitted up for her reception at the castle with some show of royalty, beds and other furniture being provided.³ Darnley also, on his visits to Lochleven, appears to have enjoyed the pleasures of the chase in the

¹ Strickland's *Queens of Scotland*, vol. vi. p. 32.

² *Ibid.* p. 33.

³ *Inventories of Queen Mary*, pp. 20, 21, 35, 50, 112.

neighbourhood. A letter from him as king, dated from Burley Castle,¹ to the laird of Lochleven, 11th November 1566, complains of poachers or "common shooters," as he calls them, who are to be apprehended with their guns and sent to his Majesty. He also orders that no fires be made upon the waters for fishing, as it scares the fowls.²

One of Queen Mary's visitors at Lochleven was John Knox, the reformer, who, on 13th April 1563, went to expostulate with her Majesty as to her laxity in enforcing the penal laws against the Roman Catholics. The queen and Knox held a long conference in the castle, and again on the following day they had a second conference in the west of the town of Kinross, where the queen was hawking.

Her imprisonment at Lochleven began on Tuesday the 17th June 1567, and ended by her escape³ on Sunday, 2d May 1568.

A fortnight after her imprisonment Sir Robert Melville paid a visit to the queen, on 1st July 1567, to report on his embassy to Queen Elizabeth in reference to Mary's marriage to Bothwell, and other business. Eight days afterwards Sir Robert Melville again visited Mary at Lochleven. A third visit by him soon after followed on 17th July, when it is supposed that he hinted to the queen an abdication by her in favour of her son. It is said that Melville carried to the queen in the scabbard of his sword a letter from Throgmorton, the English ambassador, advising Queen Mary to sign the abdication.⁴ Melville also urged strongly that she should renounce all communication with Bothwell. But she declined, giving as one reason that she believed herself to be with child, and that a divorce from Bothwell might prejudice any offspring. In anticipation of Sir Robert Melville's visit to her, she had written a letter to Bothwell trusting that Sir Robert would forward it. But Sir Robert refused even to accept of the letter, and the Queen indignantly threw it into the fire.

Soon after this episode there occurred one of the most painful transac-

¹ The present Lord Balfour of Burley also claimed at the same time the title of Lord Kilwinning. A facetious friend said to the writer, who was engaged in the case, that Kilwinning should be Kilsharp.

² *Registrum Honoris de Morton*, vol. i. p. 14.

³ A drawing of the queen's escape from the castle was made by John Clerk of Eldin,

and appears in the collection of his well-known etchings printed for the Bannatyne Club. A more elaborate drawing of the royal escape was painted by the late D. O. Hill, secretary of the Scottish Academy, and engraved by William B. Scott.

⁴ *Memoirs of Queen Mary* by Claude Nau, her secretary, 1883, p. 64.

tions connected with the residence of Queen Mary at Lochleven, namely, her resignation, on 24th July 1567, of the crown of Scotland in favour of her son, King James. The two commissioners appointed by the parliament and the regent were Lord Lindsay of the Byres and Lord Ruthven. Their unfeeling coercion towards the queen in obtaining her signature to the instrument of resignation of her kingdom has been often told, and need not be repeated here. But as Sir Robert Melville was present and took an active, although mediating, part in that transaction, and as amid the many portraits of royal and noble and distinguished persons at Melville House, of which a list is given in this work,¹ none in that large collection has been identified as that of Sir Robert Melville, it may be permissible to exhibit in this place a fancy portrait of him which has been drawn by the master-hand of Sir Walter Scott, who thus writes:—

“The personage who rode with Lord Lindsay at the head of the party was an absolute contrast to him in manner, form, and features. His thin and silky hair was already white, though he seemed not above forty-five or fifty years old. His tone of voice was soft and insinuating,—his form thin, spare, and bent by a habitual stoop,—his pale cheek was expressive of shrewdness and intelligence, his eye was quick though placid, and his whole demeanour mild and conciliatory. He rode an ambling nag, such as were used by ladies, clergymen, or others of peaceful professions,—wore a riding habit of black velvet, with a cap and feather of the same hue, fastened up by a golden medal,—and for show, and as a mark of rank rather than for use, carried a walking sword (as the short light rapiers were called) without any other arms offensive or defensive.”²

¹ Vol. ii. pp. 336-340. Dr. M'Crie, in his *Life of Andrew Melville*, regrets that he was unable to find a portrait of him or of his nephew James. [Ed. 1856, p. 492.]

² The Abbot, by Sir Walter Scott, ed. 1820, vol. ii. p. 160. The writer is tempted to place the companion portrait of Lord Lindsay, drawn by the same magic band, beside that of Melville, but it is not so germane to the present subject. The writer has a professional if not a personal interest in the great house of Lindsay. Forty years ago he assisted actively in opposing their claim to the

dukedom of Montrose, created in the year 1488. On that occasion partisan feeling ran pretty high, and a noble lord said to the writer that the only fault he had to find with him was “that he fought against those Lindsays that he loved so dearly.” At a later period the writer was again engaged in fighting—this time on behalf of the Lindsays—to establish the claim of the present Lord Lindsay of the Byres and Earl of Lindsay. All the Lindsays, chief and cadets, have treated the writer with characteristic courtesy, whether he was engaged fighting for or against them professionally.

KEYS FOUND IN LOCHLEVEN.

Before passing from the subject of Lochleven and Sir Robert Melville's visit there, notice may be taken of a relic with which his name has been connected. Sometime before 1820 a key was found in the loch, having become entangled in a fisherman's net, and was brought to the minister of Kinross, who presented it to the seventh Earl of Leven, and it is now at Melville House.¹ It is a little over three inches long, with a Gothic bow highly decorated, the neck of open work, and the pipe and wards damasked over with engraved flowers. The date 1565 is deeply cut along the outward edge of the wards and the words "Marie Rex" on the rim of the bow. Miss Strickland describes it as a gold or richly gilt key, and assumes, from "its ornamental character and the inscription," that it must have been the badge of office of Queen Mary's lord chamberlain, "and was probably lost by Sir Robert Melville in one of his voyages to or from the castle."²

The keys of Lochleven Castle themselves are now in the possession of the Earl of Morton. They are five in number, large and small, of antique workmanship. The keys are said to have been thrown into the loch by Willie Douglas, the lad who assisted Queen Mary to escape, and to have been found in the beginning of the present century. Another set of keys, however, are said to be in the possession of Sir Charles Adam of Blairadam. Another key, with parts of the wards of a lock, was found in Lochleven Castle in 1831. As represented in a recent popular work, it is much ornamented, having human figures and birds twisted into the scroll-work which composes the handle. The wards of the lock, which may have belonged to some door or chest in the castle, are also curious.³

¹ A label attached to the key gives the history of it. "This key was found in their nets by some fishermen on Lochleven, and taken by them to the minister of Kinross, who gave it to my grandfather. It was lent by my father to Lady Harriet St. Clair Erskine for the purpose of sketching it. She, however, had it copied, which copy is now at Dysart House.—ELIZABETH LESLIE MELVILLE CARTWRIGHT."

² *Queens of Scotland*, vol. vi. p. 71, n.

An examination of the key seems to show that it is simply of brass, not of gold, as Miss Strickland alleges. The inscription "Marie Rex" and the date are of very doubtful authenticity. The key may be that of an old chest or wardrobe, and may or may not be connected with Sir Robert Melville.

³ An engraving of the key and the wards will be found in "Castles, Palaces, and Prisons of Mary of Scotland," by Charles Mackie, ed. 1850, p. 369.

QUEEN MARY'S JEWELS.

As Queen of Scotland and Queen Dowager of France, Queen Mary inherited many valuable jewels. Many of these were for a time in the custody of Sir Robert Melville, who duly delivered them to the queen at Bolton in England, as appears from her receipt in his favour.¹ At a later date, however, they were rigorously inquired for by the regents, who obtained power from parliament to recover them. One of the most valuable was the famous "great Harry" which was presented by King Henry the Second of France to Queen Mary, his daughter-in-law. The Regent Murray, it appears, had bestowed it upon his wife. She held it with such a firm grasp that successive regents were baffled in its recovery. Great rigour was observed by the Regent Morton in his measures for recovering the jewels of the queen from holders of them, and in 1573, after the fall of Edinburgh Castle, Sir Robert Melville, as has been said, "with the halter round his neck," had to answer for everything which had passed through his hands. But his life was spared at the intercession of Queen Elizabeth.

FAMILY JEWELS OF THE FIRST EARL OF LEVEN.

The fate of Queen Mary's jewels suggests that the family of Melville also have suffered loss of a similar kind. The parliament of Scotland on two occasions voted a jewel to the first Earl of Leven. The parliament of England also, in 1646, ordered a jewel to be delivered to his excellency the Earl of Leven as a testimony of their great respect to him and high esteem of his fidelity and gallantry.² There is some doubt if he received these, but another jewel was given to him by the King of Sweden, to which the earl refers in his last will, desiring it may be kept in his family as an heirloom.³ None of these three jewels, if all were received, have been preserved in the family. In the portrait of the first Earl of Leven, an engraving of which forms the frontispiece to the second volume of this work, there is suspended by a black ribbon around his neck, and on his breast, a

¹ Vol. ii. of this work, p. 8.

² Vol. ii. hereof, p. 96, No. 118.

³ Vol. iii. of this work, p. 175, No. 129.

miniature of Gustavus Adolphus. The order of which it was the badge was created by the king for his Swedish generals, and the first Earl of Leven is the only one known to whom the order was given out of Sweden. Even that miniature has not been preserved.¹

GOLD MEDAL OF 1628.

A solid gold medal, known in the Leven and Melville family as the medal of Gustavus Adolphus, has been more fortunate in its preservation. It was exhibited by the late Mr. William Leslie Melville, with the consent of his brother David, Earl of Leven and Melville, the owner, to a meeting of the Numismatic Society on 26th February 1852. It excited much interest, and a member remarked that he believed it to be unique.²

The obverse bears a pheon within a laurel garland, and the legend, "Deo optimo maximo, Imperatori Romano, Fœderi posterisque, 1628," translated thus:—

To God the best and greatest, to the Roman Emperor, to the League and to posterity, 1628.

The reverse bears an inscription, "Memoriæ · Urbis · Stralsvndæ · Ao · MDCXXVIII · Die · XII · Mai · a · Milite · Cæsariano · Cinctæ · Aliquoties · oppugnata · Sed · Dei · gratia · et · ope · inclytor · Regvm · Septentrional · Die · XXIII · Ivli · obsidione · Liberata · S · P · Q · S · F · F ·"

Which being extended is:—

"Memoriæ Urbis Stralsvndæ, Anno MDCXXVIII, die XII Mai, a milite Cæsariano cinctæ, aliquoties oppugnata; sed Dei gratia et ope inclytorum Regvm Septentrionalium, die XXIII Ivli obsidione liberata. Senatus populusque Stralsvndæ fabricari fecerunt."

¹ Besides the portrait of the earl referred to, there is also at Melville House an engraving, bearing the inscription—"THE PORTRACTUR OF ALEXANDER LESLIE, EARLE OF LEAVEN, GENERALL OF THE SCOTES ARMIE. AN. D. 1644." It is a line engraving representing him with long hair and beard and moustache in the style of King Charles the First. Only the bust is shown. Another

portrait which may be noted, as it is not named in the list given in volume second of this work, is a miniature likeness of John, Earl and Duke of Rothes, brother of Lady Margaret Leslie, who married Alexander, Lord Balgonie, son of the first Earl of Leven. It is contained in a finely enamelled locket.

² Letter from J. Y. Akerman, secretary, 27th February 1852, at Melville House.

Which translated is :—

In memory that the city of Stralsund, on the 12th day of May in the year 1628, was beleaguered by the army of the Kaiser, was several times attempted to be taken by storm, but by the grace of God, and the succour of the renowned Kings of the North, on the 23d day of July was delivered from siege, the council and people of Stralsund have caused [this medal] to be struck.

The event which this medal commemorates is explained in the memoir of the first Earl of Leven,¹ who was the hero on the occasion. An accurate engraving of both sides of the medal is here given.



Before passing from the volume of correspondence, it may be noted that there are at Melville House many letters which passed between Anna, Duchess of Buccleuch and Monmouth and George, first Earl of Melville, and his son David, third Earl of Leven, whose countess, Lady Anne Wemyss, was a niece of the duchess. The correspondence between these friends chiefly relates to the management of the Buccleuch estates by Lord Melville. The letters were printed in "The Scotts of Buccleuch,"² and it has been deemed unnecessary to reprint them in the present work.

¹ Vol. i. of this work, p. 389.

² Vol. ii. pp. 369-377.

THE MELVILLE CHARTERS.

The third volume contains CHARTERS AND MISCELLANEOUS MUNIMENTS of the Melville family. Eight of these charters were granted by King William the Lion between the years 1165 and 1214. Seven of them are in favour of the earliest known members of the Melville family—Galfrid of Melville, the justiciar, Gregory Melville his son and heir, and Richard the son of Gregory. It is very rarely that charters by King William the Lion are preserved in Scottish charter-chests: the present collection in that respect may be considered unique. Reference is made in these charters to earlier grants to the Melvilles in the time of King Malcolm the Maiden, who reigned between the years 1153 and 1165. But these have not been preserved.¹

A number of the early charters in the Melville charter-chest refer to the lands of Inchmartin in the county of Perth. The earliest of these is by Henry (of Stirling), one of the natural sons of David, Earl of Huntingdon and Garioch. He appears to have acquired the lands of Inchmartin before 1st November 1241, the date of his charter. It was granted for the sustentation of a chaplain to serve for ever in the chapel of Inchmartin within the granter's court. The charter grants and provides to the chaplain a variety of rents, etc., from various subjects described. He was also to have the dwelling-house in which John the chaplain was wont to dwell, with the garden and court, and a toft.

¹ In a recent work there was printed the earliest known charter connected with Scotland, along with a facsimile. It was granted by King Duncan the Second to the monks of St. Cuthbert, in the year 1094, of Tynninghame and other lands. [Memorials of the Earls of Haddington, 1889, vol. i. p. xxiii of Introduction.]

Shortly after the publication of Duncan's charter a noble and distinguished author sent to the writer of the present work "Copy of the original charter of the lands of Powmode the year 1057." "I, Malcolm Kanmore, King, the first of my reing, gives to the barron Hunter, Upper and Nether Powmode, with all the bounds within the flood,

with the Hoop, and Hoop town, and all the bounds up and down, above the earth to heaven, and all below the earth to hell, as free to the and thinc as ever God gave to me and mine, and that for a bow and a brod arrow when I come to hunt upon Yarrow. And for the mair faith I bite the white wax with my teeth, before Margaret, my wife, and Mall, my nurse. Sic subscribitur MALCOLM KANMORE. Margaret, witness; Mall, witness." The copy had been recently forwarded to the correspondent, who asked if the original charter was preserved in Her Majesty's General Register House. Replying in the negative, the writer was bound to add his belief that no such charter ever existed.

These Inchmartin charters appear to have been acquired when the first Earl of Leven purchased Inchmartin. He changed the name to Inchleslie. After the property was sold by his descendant, these early charters of the time of the families of Inchmartin, Glen, and Ogilvie, who long held Inchmartin, remained with the Leslies of Leven. These Inchmartin charters have been of great use in elucidating the true history of the family of Wemyss of Wemyss, who intermarried with the Inchmartins and Glens. These intermarriages led to very complicated subdivisions of the Wemyss estates. But the preservation of the Inchmartin writs in the Melville collection of charters threw valuable light on a very intricate subject.

Amongst the miscellaneous writs is a licence, in 1463, by King James the Third to William Scott of Balwearie, to construct a castle or fortalice in his lands of Balwearie, to fortify it with walls and ditches, strengthen it with iron gates, and provide it in the upper part with engines of defence, and with power to appoint constables, etc.¹ The castle which was thus authorised to be built was long occupied by the family of Scott, and the ruins of it are still extant. The estate of Balwearie was afterwards acquired by Sir George Erskine of Invertiel, and inherited by the Melvilles of Raith, one of the minor titles of the first Earl of Melville being Lord Balwearie.

When Prince Oscar of Sweden and Norway, now the king of these countries, was on a visit to Mr. and Lady Elizabeth Melville Cartwright at Melville House in the year 1871, His Royal Highness saw a portion of the royal charters and correspondence. He was much interested with the collection. A selection of the charters of King William the Lion, and the letters of King James the Fifth, Queen Mary, King James the Sixth, and others, were lithographed for Prince Oscar, who was pleased to accept of the presentation very graciously.

BAND FOR THE MURDER OF RICCIO.

But interesting as these very ancient royal charters of the twelfth and thirteenth centuries are to the descendants of those to whom they were granted, as well as to charter scholars generally, the present collection con-

¹ Vol. iii. of this work, p. 46, No. 49.

tains some documents possessing even a wider interest. One of these is the original band entered into by the Earls of Argyll, Murray, Glencairn, and Rothes, with Lords Boyd and Ochiltree, and their accomplices, to Henry, Lord Darnley, as King of Scotland. The band, ostensibly for the purpose of obtaining the crown-matrimonial for Darnley, bound the granters to take true part with him in all his actions, to be friends with his friends, and to be enemies to his enemies, and not to spare their lives to do him service. They also promised to fortify and maintain Darnley's title to the crown of Scotland failing succession of the queen. And should any person or persons oppose these objects, the banders promise to seek and pursue them, and to extirpate them out of the realm of Scotland, or take, or slay them. Of the four earls and two lords who were named in the band, only two earls and one lord actually subscribed it. These are James Stewart, Earl of Murray, Andrew Earl of Rothes, and Andrew Stewart of Ochiltree. The other three signatures to the band are those of William Kirkcaldy of Grange, John Wishart of Pittaro, and James Haliburton, the tutor of Piteur.¹

BOND BY KING HENRY DARNLEY.

There can be little doubt that Argyll, Glencairn, and Boyd, who are specially named in the bond, though they did not actually adhibit their names, were privy to its object as much as the Earl of Murray and the other five who signed. Indeed, most of the nobility of Scotland were implicated, though only a few took a prominent part. The leaders of the conspiracy, however, distrusted Darnley so much that, while they pledged themselves to aid his views in regard to Riccio, they forced the king to bind himself to keep the whole of those concerned scatheless for the intended murder. Such

¹ The band is dated at Newcastle the 2d March 1565-6. It was printed by Goodall, but without the signatures. It was again, along with other documents, printed in the year 1843 in the third volume of the Miscellany of the Maitland Club, by the permission of David, Earl of Leven and Melville. The six signatures adhibited to the band are there given in facsimile. But there has been

omitted the indorsation on the original—
 “Ane band maid be my Lord of Murray and certane other noblemen with him befor the slauchtir of Davie.” This indorsation is in a contemporary handwriting. There is another indorsation in a later hand: “Ane band subscrywit to the Kyngis Maiestes derrest fader.”

a bond, conceived in general terms, the king granted to Murray and his friends, but he also granted one of wider scope, in which he expressly affirmed his design against "ane straunger Italian callid David," and stated that as he could not carry out his purpose alone, he had drawn certain "nobilite, erles, lords, barons, freholders, gentilmen, marchaints, and craftsmen," to assist him. This important document, which Darnley violated almost immediately after the murder, has often been referred to, and is printed by Goodall,¹ but as its contents are not so well known as those of the other bonds, the terms of it are here inserted from a copy in an English handwriting, preserved in the British Museum:—

"Beit kend till all men by thies present lettres, We, Henry, by the grace of God King of Scotland and husband to the Quenes Maieste, forasmekle we, having consyderation of the gentle and good nature, with many other good qualites, in her Maieste, we haue thought pete, and also thinketh it great conscience to vs that is her husband, to suffer her to be abused or sedued by eerteyn priuey persons, which it and vngodly [*sic*] not regarding her Maiestes honnour, ours, the nobilite therof, nor the common weal of the same, but sektes their oun commodites and priuey gaynes, specially ane straunger Italian eallid David, which may be thoeccasion of her Maiestes destruction, ours, the nobilite and eomun weall of the same, without hasty remedye be putt therunto, which we ar willing to do, and to that effect we have devised to take their priuey persons, ennemys to her Maieste, vs, the nobilite and common weale to punish them eonform to their demerits, and in causes of any diffi-cultye to eutt them of immediately and sla them where ever it happens : And bycaus we cannot accomplish the same without thassistence of others, Therefor have we drawn certain of our nobilite, erles, lords, barons, freholders, gent., marchaints, and craftsmen, to assist vs in this our entreprise which cannot be finished without great hurt : And bycaus it may chaunce that there be sundry great persons present, who may make them ganestand our entreprise, wherewith sum of them may be slayn, and likewise of ours, wherewith perpetuel fead may be contracted betwixt the one pertye and the other, Therfor we bynd and oblige vs, our heyres and suecessors, to the said earles, lords, barons, freholders, gentilmen, marchants, and craftsmen, their heyres and suecessors, that we shall except the forsayd fead on vs and fortifye and maynteyn them at the vttermoost of our powers; and shalbe freend to their freends and ennemy to their ennemys; and shall neither suffer them nor theirs to be molested nor troubled in their bodyes, lands, goodds, rowmes, possessions, so far as is in vs : And if any person wold eall any of the sayd earles,

¹ Goodall's Queen Mary, vol. i. pp. 266-8.

lords, barons, freholders, gentlemen, marchants, and craftsmen, for entreprising or assisting with vs for achieving of our purpos, bycause it may chaunce to be don in the presence of the Quenes Maieste or within her pallaice of Holy-rouddhouse, we by the woord of a prince shall accept to take the same on vs, now as then and then as nowe, and shall warraunt and kepe harmeles the forsayd earles, lords, barons, freholders, gent., marchants, and craftsmen at our vtter power. In witnes wherof we haue subscribed this present with our hand. At Edinbrough the first of March the yeres of God 1565.”¹

DEATH OF RICCIO.

The bond by the king, as above cited, was dated 1st March 1565-66, and that by Murray and his friends at Newcastle on the following day. A week afterwards, on Saturday evening, 9th March, the unhappy Riccio was murdered in the queen's apartments at Holyrood. The circumstances attending “the slauchtir of Davie” have been often told by historians, but the account of it by Mr. Tytler is so graphic that it may be permissible to repeat it here :—

“On Saturday evening about seven o'clock, when it was dark, the Earls of Morton and Lindsay, with a hundred and fifty men bearing torches and weapons, occupied the court of the palace of Holyrood, seized the gates without resistance, and closed them against all but their own friends. At this moment Mary was at supper in a small closet or cabinet, which entered from her bed-chamber. She was attended by the Countess of Argyll, the commendator of Holyrood, Beaton, master of the household, Arthur Erskine, captain of the guard, and her secretary, Riccio. The bed-chamber communicated by a secret turnpike stair with the king's apartment below, to which the conspirators had been admitted; and Darnley, ascending this stair, threw up the arras which concealed its opening in the wall, entered the little apartment where Mary sat, and casting his arm fondly round her waist, seated himself beside her at table. A minute had scarcely passed when Ruthven, clad in complete armour, abruptly broke in. This man had just risen from a sickbed; his features were sunk and pale from disease, his voice hollow, and his whole appearance haggard and terrible. Mary, who was now seven months gone with child, started up in terror, commanding him to be gone; but ere the words were uttered torches gleamed in the outer room, a confused noise of voices and weapons was heard, and the next moment George Douglas, Car of Faudonside, and other conspirators, rushed into the

¹ British Museum, Calig. B. ix. f. 216.

closet. Ruthven now drew his dagger, and calling out that their business was with Riccio, made an effort to seize him; whilst this miserable victim, springing behind the queen, clung by her gown, and in his broken language called out, 'Giustizia! giustizia! sauve ma vie, madame; sauve ma vie!' All was now uproar and confusion; and though Mary earnestly implored them to have mercy, they were deaf to her entreaties. The table and lights were thrown down; Riccio was stabbed by Douglas over the queen's shoulder; Car of Faudonside, one of the most ferocious of the conspirators, held a pistol to her breast, and whilst she shrieked with terror, their bleeding victim was torn from her knees and dragged, amidst shouts and execrations, through the queen's bedroom to the entrance of the presence-chamber. Here Morton and his men rushed upon him, and buried their daggers in his body. So eager and reckless were they in their ferocity, that in the struggle to get at him they wounded one another; nor did they think the work complete till the body was mangled by fifty-six wounds,¹ and left in a pool of blood, with the king's dagger sticking in it, to show, as was afterwards alleged, that he had sanctioned the murder.

"Nothing can more strongly show the ferocious manners of the times than an incident which now occurred. Ruthven, faint from sickness, and reeking from the scene of blood, staggered into the queen's cabinet, where Mary still stood distracted and in terror of her life. Here he threw himself upon a seat, called for a cup of wine, and being reproached for the cruelty of his conduct, not only vindicated himself and his associates, but plunged a new dagger into the heart of the unhappy queen by declaring that her husband had advised the whole. She was then ignorant of the completion of the murder, but suddenly one of her ladies rushed into the room and cried out that their victim was slain. 'And is it so!' said Mary; 'then farewell tears, we must now think of revenge.'" ²

¹ Thirty-four of these are said to have been in his back.

² Tytler's History, Edition 1845, vol. v. pp. 343-5. It may be noted that as the signatories to the bond at Newcastle were six of the most prominent actors in the affairs of Scotland, so two of them at least met with violent deaths. Murray, called "the good Regent," was assassinated, while Sir William Kirkcaldy of Grange was executed. Andrew, Lord Ochiltree, although wounded in the battle of Langside, is believed to have

died a natural death. But two of his sons were murdered. The elder of the two was the notorious James Stewart, the usurper of the earldom of Arran. A more pleasing reminiscence of Lord Ochiltree's family is the fact that his daughter Margaret married the reformer John Knox, of whom Lord Ochiltree was a strong supporter. Her second husband was Andrew Ker of Fawdonside, son of the man who earned the unenviable distinction of having actively assisted in the murder of Riccio, and of presenting a pistol at the Queen.

DARNLEY'S DENIAL OF HIS BOND.

As a sequel to the bond already quoted, in which Darnley affirmed his murderous intentions towards Riccio, and bound himself to shield and support his accomplices, the proclamation by which he afterwards asserted his innocence is noteworthy. The very event which his fellow-conspirators dreaded, and against which they tried to guard, happened as they feared. Darnley was swayed by the queen, first to accompany her out of Edinburgh, and then to betray his accomplices. Three days after the murder, the king and queen fled to Dunbar, and five days later returned to Edinburgh accompanied by a considerable armed force. The conspirators took alarm and escaped from Scotland, before a decree of the privy council was issued against them on 19th March 1565-6.¹ In issuing this decree the queen asserted that she was assured of the assistance of her husband, who had declared to her in the presence of the council his innocency of the conspiracy, and a formal proclamation to this effect was published on the following day. The general opinion as to which proceeding may be gathered from Knox, who says that it "made all understanding men laugh . . . since the king not only had given his consent, but also had subscribed the bond;" while another historian writes, "All men were discharged by proclamation to affirme that the king was partaker or privie to the last fact; wherat manie smiled." The proclamation has been printed by Goodall,² but as his work is little known, it is repeated here:—

"Apud Edinbroug, xx Martii 1565.

"Forasmuchas diuers sedicious and wicked persons haue maliciously sowed rumors, bruts, and pryve whisperings amongst the lieges of our realm, slaundersously and irreverently backbiting the kings majestic, as that the late conspiracye and cruel murder committed in presence of the quenes majeste, and treasonable deteyning of her majestes moost noble persone in captiuitie, was done at his commaundement, by his counsaill, assistence, and approbation, his grace, for the removing of the evill opinion which the good subiects may be induced to conceyve through such false reports and sedicious rumors, hath aswell to the quenes majeste as in the presence of the lords of secret counsaill, plainly declared, vppon

¹ Register of Privy Council, vol. i. pp. 436, 437.

² Goodall's Queen Mary, vol. i. pp. 280, 281.

his honour, fidelite, and the woord of a prince, that he nevir knewe of any part of the sayd treasonable conspiracye wherof he is slaundrously and sakelesly traduced, nor never counsailed, commaunded, consented, assisted, nor approved the same. Thus farr onely his highnes oversaw himself in to, that at the intisement and perswasion of the sayd late conspirators, his grace, without the quenes majestes advise and knowledge, consented to the bringing home out of England of the Earles of Murrey, Glencarn, Rothel, and other persons being theer, with whom her highnes was offended, which he hath in no wise denyed, and this is the simple, syncere, and playn truth, to all and sundry to whome it efferes be it made knowen and manifest by thies presents.”¹

There is probably truth in the assertions of the enemies of Riccio that he acquired an undue influence in the management of state business, owing to the partiality of Mary. During the five years which Riccio was in the service of the queen, he rose rapidly in her favour and confidence. He was a Savoyard of humble parentage. He came to Edinburgh in the train of the ambassador of the Duke of Savoy. He was soon afterwards appointed one of the valets of the queen. After a service in that capacity, he was promoted to the more important office of French secretary, and at the same time seems to have acted as privy purse both to the king and queen. The enemies of Riccio maintain that he was deformed in his person and unprepossessing in his appearance. These defects he strove to hide by the gorgeousness of his apparel. Knox says “that at this time, 1565, David Riccio, Italian, began to be higher exalted, inasmuch as there was no matter or thing of importance done without his advice.”² Buchanan even goes the length of saying that Mary wished to make Riccio a peer of Scotland, and to invest him with the old lordship and barony of Melville.³ At the time of Riccio’s murder, James, Lord Ross of Hawkhead was proprietor of the lordship of Melville, and it appears that Queen Mary had occasionally resided at the house of Melville, and that her Italian secretary had been so frequently visitor to her there, that even the house of Melville came to be called Riccio’s house. Lord Ruthven, as the chief actor in the murder of Riccio, upbraided the queen that Riccio “had caused her Majesty to put out the Lord Ross

¹ Caligula B. ix. fol. 217 (copy).

² Knox’s History, vol. ii. p. 513, *vide* also p. 519.

³ Buchanan, Lib. xvii. cap. 55.

from his whole lands, because he would not give over the lordship of Melvin to the said Davie.”¹

Among other prominent documents in this volume may be noted the commissions granted by the convention of estates in 1639 and 1640 appointing Sir Alexander Leslie, afterwards the first Earl of Leven, to be general of the forces. So unanimous were these commissions that they bear the signature of nearly every member of the estates. The first of the two, that of 1639, is printed for the first time in this work, but the second was printed in the *Miscellany of the Maitland Club* in 1843, and facsimiles were given of all the signatures.

MANUSCRIPTS AT MELVILLE HOUSE.

In addition to the various charters and letters printed or referred to in these volumes, there are at Melville the following manuscripts of interest :—

1. A manuscript copy of Bishop Leslie's *History of Scotland*, in a handwriting of the later part of the sixteenth century.²

2. A copy of the *National Covenant* of 1580, as renewed in 1638, and subscribed in 1639, by Sir Alexander Leslie, afterwards first Earl of Leven. His signature is the third from the left, immediately following those of the Earls of Argyll and Rothes, and is followed by the names of Eglinton, Dunfermline, Lindsay, Wigtown, Montrose, and others.

3. A volume of *Minutes of the Privy Council* during a portion of the year 1689 and 1690. They are apparently copies of the daily minutes which were made for Alexander, Lord Raith, and they have since been collected and bound together.

To these may be added a number of Household books, from about the year 1630 onwards, some of which have been quoted from in the memoirs. Various members of the family also, who held high official positions, have left a large collection of documents, which it was impossible to include in this work, but which may supply materials for a future historian.

¹ *Scotia Rediviva*, p. 341.

the gaps in it have been supplied by a modern hand from a MS. of similar date in the British Museum.

² The original MS. is much mutilated, and

LANDS AND BARONIES OF THE MELVILLE FAMILY.

During the seven centuries and upwards in which the family of Melville have flourished in Scotland they have been prominently associated with the baronies of Melville in Midlothian, and Raith and Monimail or Melville in Fife, and other territorial possessions. This appears from the history of the family; but it may be interesting to trace here the successive baronies and lands of the Melvilles in more comprehensive form than could well be done in the memoirs.

1. THE LORDSHIP, BARONY, AND PARISH OF MELVILLE, IN MIDLOTHIAN.

As stated in the memoir of Galfrid Melville, the first lord of Melville, he appears to have bestowed his own name upon a portion of the lands which he held in Midlothian. The extent of the lands thus named Melville, which lay on the banks of the North Esk, is somewhat difficult to define, as neither the early nor later charters give any indication on the point. The lands of Melville, however, gave name to the whole possessions which Galfrid Melville and his posterity held in Scotland, as at a very early date they are described as lords of the barony of Melville.

The original charter of erection of the barony of Melville has not been discovered, but it must have been previous to the year 1429, as in that year John Melville was served heir to his father, Thomas Melville, in the barony of Melville.¹ The barony, however, was of new erected by King James the Fourth in favour of John, second Lord Ross of Hawkhead, the son of Agnes Melville, the heiress of Melville. The charter, which is dated 21st February 1509, describes the lands then possessed by the granter as the heir of the Melvilles, but without detailing their boundaries or extent. The lands then comprehended in the barony were: the town and lands of Melville, with mill; the lands of Stenhouse, with mill; and the lands of Mosshouses, all in the county of Edinburgh: Tartraven; Preston, with mill; and Waterston, in

¹ Retour. Inventory of Melville writs.

the county of Linlithgow : and the land of " Morowingsidis " or Muiravon-side, in the county of Stirling.

The barony of Melville thus re-erected was, however, not identical with the earlier lordship of Melville. In 1344 the barony of Melville, as it is then called, included, in addition to the lands named in the charter of 1509, the lands of Leadburn in Peeblesshire, and in 1379 it also included Greviston or Grieston and Hallmyre, in the same county, with Hawthornden, and the superiority at least of the lands of Granton, both in the county of Edinburgh.

All these territories were in the possession of the lords of Melville, and a brief notice of each, in the order of their acquisition so far as known, may here be given.

The earliest Melville charter which has been preserved is a grant by King William the Lion to Galfrid Melville and his son of that land which Malbeth held in Liberton, having the same marches, and the land of Lecbernard or Letbernard. Both these lands had belonged to Malbet, a baron of the time of King David the First, who in one or two charters is called Malbet of Liberton. He is also named Malbet Ber or Bere, and in two instances his name is spelt Macbet. He was owner of a part of the modern parish of Liberton, and apparently founded the church of that parish, which he endowed with lands in Liberton and also with a grant from Letbernard, probably Leadburn. It is doubtless from the name of this baron of Liberton that the popular tradition arose that the ancient church of that parish was founded by King Macbeth.

The particular lands in Liberton thus granted to Galfrid Melville cannot be ascertained, but they do not appear to have remained long in the possession of the Melville family, as no reference is made to them in charters later than 1190. They probably lay near or round the tower of Liberton, but a portion of them was granted by the younger Galfrid Melville to the monks of Holyrood, and the rest may have been otherwise disposed of.

Perhaps, however, the district known as Liberton then comprehended the lands now known as Melville, from the name of Galfrid Melville, who is the first recorded owner. These are the lands of Melville Grange, South Melville, Wester Melville, Melville Mains, with the parks and haughs round and near Melville Castle in Midlothian, with Elginhaugh, Westfield, and other pendicles

in the neighbourhood. The estate as thus formed is situated in the three modern parishes of Liberton, Dalkeith, and Lasswade, but it may originally have been in the territory known as Liberton.

The present fine castellated edifice of Melville Castle was built in the year 1786, after plans by John Playfair, architect, on the site of the old house or fortalice of Melville. It was built for the Right Honourable Henry Dundas, afterwards Viscount Melville, who took his title from the estate which had been purchased by his father-in-law, Mr. David Rennie, from the Lords Ross, the former owners.¹ There is reference to a house at Melville so early as the year 1177, which was probably erected by Galfrid Melville, but it does not appear to have been a castle. Nor is there in any charter, so far as has been found, any reference to a fortalice or tower on the lands, the place being mentioned merely as the principal messuage.

The connection of Queen Mary's secretary, David Riccio, with Melville has been noted, and tradition may be correct in stating that he planted some of the fine trees in the grounds. One of these trees, an old oak, which bears his name, still remains. It is on the right-hand side of the approach looking towards the castle from the west, and about 250 yards from it. It is 48 feet high, and its circumference 20 feet 10 inches, according to measurements made some years ago.²

The existence of a mansion-house at Melville in the time of Queen Mary is instructed by a contract dated at Melville in the year 1573, between Lord and Lady Ross, then proprietors of Melville, and John Hering in Gilmerton, as to coal working on the Melville estate. The document is of some interest as a specimen of such agreements. The parties to it are James, fourth Lord Ross, with his wife, Jean Sempill, on the one part, and John Hering, in

¹ There is at Melville Castle a painting of the old mansion of Melville, made shortly before its demolition in the year 1786. Two etchings of Melville Castle by John Clerk of Eldin were made shortly before its removal to make way for the new castle. These etchings show the large trees near the castle [Clerk's Etchings, Bannatyne Club, 1855, No. x.] King George the Fourth visited Melville Castle when in Scotland in 1822, and Queen

Victoria also visited the castle in 1842. The larger of Lord Eldin's etchings has been reproduced in Grant's "Old and New Edinburgh," vol. iii. p. 363. There is an engraving of the new castle in "The Beauties of Scotland, 1819," and it is also photographed in the "Castles and Mansions of the Lothians," [vol. ii.].

² Oak Trees of Scotland in Transactions of the Highland Society.

Gilmerton, for himself and his colliers, on the other. Hering undertakes, "God willing," to win coal and coal-heughs within the bounds and farms of Melville, Easter and Wester, and binds himself and his craftsmen to enter eight colliers to labour the place where the coal shall happen to be, within three days from date, who shall be partners with him in all expenses and profits of working the coal. They shall labour a level and water-pots for drawing off water and keeping dry the coal and coal-heughs. Hering also promises to work the coal, upper and nether, in such a way that "the samin sall not be fullzeit our-rwn nor waistit be ony maner of way, and to work and seik the mane coill, vuir and nethir, to the vtirmest hall of the samin, sa fer as possibill is to ony workmen to laubour or do in sic behaulffis." The contract is to endure for two years only from the date of Hering's entry on 14th November 1573.

Lord and Lady Ross, on the other hand, bind themselves to cause "men of jwgement and vnderstanding" to examine the work twice or thrice or oftener in the year, and if it be not done to the owner's profit, the contract shall be void. It shall also expire if Hering should die or fail within the two years. Lord and Lady Ross are also bound to pay Hering one-half of the expenses incurred in winning the coal, and to find "and sustene quarrell mellis, quarrell pikis, wageis, towis, forkis, rowis, doggis, and buckattis, if neid beis to that effect, as vse is requiseit in sic caiss." Further, Hering for performing the contract shall have the third of Lord and Lady Ross's part of the coal that shall happen to be won, he sustaining the third of the expenses as they do. Providing always that the grieve or overseer to be appointed over the coal working shall be chosen by Lord Ross and Lady Ross. They shall also receive from Hering yearly during the contract three dozen draughts of coal, one dozen at Christmas, Easter, and Whitsunday respectively, which coals are to be free and not named or counted as "paitismentis paitis nor collearis coillis." The parties bind themselves faithfully to observe the contract, which is dated at Melville on the 11th November 1573.¹

Whether Galfrid Melville built a house or stronghold on his property or not, one of his first acts was to erect and endow a church at Melville, the

¹ Original contract. Among the witnesses are John Ross of Swanston, John Ross in Tartraven, Hew Ross, brother to Lord Ross, and Sir John Rolland, notary public. The latter is known as the author of "The Court of Venus" and other poems.

patronage of which he granted to the monks at Dunfermline, and which they held down to the Reformation. He endowed the church with lands which cannot now be traced by name, but which probably comprised part of the haugh land by the side of the North Esk. The church was dedicated to St. Andrew, and the parish, called Melville, afterwards attached to it was composed of the barony of Melville and the smaller barony of Lugton near Dalkeith.¹ In 1615 the church was in a ruinous condition. The parish had previously, in 1583, been united by the general assembly to Newbattle, but in 1632 the commissioners of teinds suppressed the parish, described as "the paroch kirk and parochine of St. Androis." They also disjoined "the tounes and lands of Lugtoun and Melvill, with thair pertinents," of which the parish was composed, and united Lugton to Dalkeith and Melville to Lasswade, an arrangement which was ratified by parliament in the year 1633.² The exact situation of the old church of Melville is believed to have been within the grounds of St. Anne's, Lasswade, the present residence of Dr. Falconer. Only a small portion of the foundations can now be said to remain of the ancient building, which must have stood close to the river Esk, as in May 1642 the kirk-session of Lasswade paid to Francis Somervell six shillings "for uptaking the stanes that fell from St. Andro's kirk end into the water." So early as 1622, at a visitation of the kirk and parish of Lasswade, Archbishop Spottiswood gave permission for repairs of the kirkyard dyke to be made with stones from the kirk of Melville, then in ruins. Further demolition of the building was made in 1659, when stones were taken from it by permission of Lord Ross to build a manse for the minister of Lasswade. In the garden of St. Anne's, human bones are frequently dug up, revealing the site of the

¹ The building stood within a stone-cast of the church of Lasswade, and on account of this proximity it was not provided either with a minister or reader at the Reformation; but Mr. John Aird, an "expectant" or probationer in Dalkeith presbytery, had charge as a minister at Melville from 1612 to 1614. He probably, however, did not enjoy the fruits of the benefice, as these had been granted by King James the Sixth in 1586 to John Herries, minister of Newbattle, and again in 1610 to another John Herries, who enjoyed

them until about 1620. The king then presented the vacant stipend, glebe, and teinds to Mr. James Porteous, minister of Lasswade, who was a member of the assembly of 1638, and died in 1643, "being one of those accounted eminent in their day for 'grace and gifts or faithfulness and success.'" [Memorials of the Montgomeries, vol. ii. p. 287; Scott's Fasti, Part I. pp. 289, 293.]

² Acts of the Parliaments of Scotland, vol. v. pp. 145, 146.

ancient burying-ground of Melville; and an old resident in the neighbourhood remembers that when a boy he saw cart-loads of soil containing remains of the dead carted from the site of the old carpet-manufactory at St. Anne's and spread upon the school green. The burial-ground was used long after the church became ruinous. In 1634 the kirk-session of Lasswade enacted that a register should be kept, both of those buried in the kirkyard of Lasswade "and St. Andros quhilk is for Melville, from this day foorth."¹

The Lords Ross, probably as representing the Melville family, also held rights over certain lands in Liberton parish known as the "Kirklands of St. Catherine, called the Oyliewell." These lands belonged to a very ancient chapel dedicated to St. Catherine, which stood, with its burying-ground, near the modern mansion of St. Catherine's. The remains of it, however, have long since disappeared. A rising ground to the east, now known as Gracemount, was formerly called Priesthill, and may have formed part of the kirklands of St. Catherine's. The fact that Lord Ross was patron of the chapel seems to point to a right inherited from the lords of Melville, but this is not instructed by extant charter evidence of an early date. The "Oyliewell" or Balmwell of St. Catherine's was at one time an object of veneration for its healing powers. King James the Sixth on his visit to Scotland in 1617 went to see it. The well is still in good preservation.

2. THE LANDS OF LEADBURN IN THE PARISH OF PENICUIK.

Although the lands of Lecbernard, Letbernard, or Leadburn, which also had belonged to Malbet, were, like those of Melville, in the possession of Galfrid Melville from the time of King Malcolm the Fourth, there is very little mention of them in the extant writs of the family, and no very definite information has been obtained from other sources. The lands were in the possession of John Melville, lord of the Barony of Melville, in 1344, but the territory appears to have been broken up before the time of his grandson of the same name, who mortgaged various parts of his lands. So far as can be gathered the Leadburn which was granted to Galfrid Melville included the modern lands of Halls, Mosshouses, Temple Hall, as well as the modern Leadburn, and probably others which have not been ascertained. Of these

¹ From information supplied by a gentleman at Loanhead, and communicated to the writer.

lands Halls passed into possession of a branch of the family of Ramsay. Temple Hall was mortgaged in 1386 to Sir William Douglas of Strathbrock. Mosshouses was also mortgaged to Henry Douglas of Logton about 1392,¹ but was apparently redeemed, as it was inherited by Lord Ross with the rest of the Barony of Melville.

3. LANDS OF STENHOUSE, LIBERTON.

The small estate of Stenhouse, situated to the east of, and not far from the church of, Liberton, was among the earliest possessions of the Melvilles. It was for a time in the hands of Galfrid Melville, the younger, ancestor of the Melvilles of Carnbee, and his descendants also held it in tenandry along with their lands of Granton. But it reverted to the main line, as it is named in the charter of the Barony of Melville in favour of Lord Ross in 1509.

4. LANDS OF TARTRAVEN, PRESTON, AND OTHERS IN LINLITHGOWSHIRE.

These lands are not named in any of the early charters by King William the Lion now in the Melville charter-chest, but they were in possession of the family at a very early period, if not so early as the time of King Malcolm the Fourth. Tartraven, or Retrevyn as it was then called, formed part of the dowry of Matilda Malherbe, the second wife of Galfrid Melville the elder, about 1180. The lands in Linlithgowshire, afterwards incorporated in the barony of Melville, appear to have been Preston, Tartraven, and Mid-Tartraven, with the mains of Preston and Tartraven and others lying near.

At Tartraven there was a chapel dedicated to St. Leonard, which was endowed, if not erected, by Sir Richard Melville about 1200, and placed under the charge of the prior and canons of St. Andrews, with whom a special agreement concerning it was made in the year 1344 by John Melville of that ilk. The further history of the chapel has not been ascertained.

5. MUIRAVONSIDE, IN STIRLINGSHIRE.

Among the other lands erected in 1509 into the united barony of Melville was the territory of Muiravonside, a place which now gives name to a parish. The "Statistical Account" of the parish and other authorities give

¹ Registrum Honoris de Morton, vol. ii. p. 179.

the popular name of it as "Moranside," deriving the name from the moory character of the district. The earliest charter, however, in which it is named in this work, dated between 1189 and 1199, furnishes a different reason for the name given to the parish. Between these years Sir Richard Melville married Margaret Prat, daughter of Reginald Prat, lord of Tynedale, in Northumberland, who granted as his daughter's dowry his lands of "Morguncssete" or "Murganesete." The lands which thus came into possession of the lords of Melville, and the boundaries of which are fully given in the charter to Sir Richard Melville,¹ though their limits cannot now be traced, evidently took their name from one of their principal land-marks, described in the charter as the seat of St. Morgan. The land-mark in question may be the eminence known as Sight Hill, but who St. Morgan was is doubtful. There is no St. Morgan in the Romish calendar, though a St. Moran or Moderandus has a place there. The latter, however, is not usually reckoned among Scottish Saints, and it is probable that "Morgan" is merely a variation of the name of St. Marnan or St. Miren, both of whom were prominent teachers in Scotland. This view is corroborated by the fact that the parish church is said to have been dedicated to St. Marnua.

The present parish of Muiravonside was formed in 1648. In terms of a petition by James, Earl of Callendar, patron of the churches of Falkirk, Denny, and Muiravonside, Parliament, on the recommendation also of the presbytery of Linlithgow, disjoined from Falkirk the church and parish of Muiravonside, reserving the rights of the patron, and granting all privileges due to the minister of the parish.²

HAWTHORNDEN IN MIDLOTHIAN.

Besides the barony of Melville, which, as shown, comprehended in 1509 not only the lands of that name in Midlothian, but also the other estates enumerated above, the Melvilles held for a time other lands, which did not descend with the heiress of Melville to the Ross family. Of these the most important was the estate of Hawthornden, which was the property of John Melville of Melville in 1386, and he for a time resided at the castle.

¹ Vol. iii. of this work, pp. 4, 5.

² Acts of the Parliaments of Scotland, vol. vi. part ii. p. 119.

This possession of Hawthornden by the Melvilles has been unnoticed by historians. In the time of King Robert Bruce the castle of Hawthornden and the lands round it were in the hands of Sir Laurence Abernethy, a cadet of the family of Abernethy of Saltoun. In 1338 he was a partisan of the English, and held the castle in their interest. His lands of Hawthornden in Midlothian, Myrehall or Halmyre in Peeblesshire, Borthwickshiels in Roxburghshire, and Lamberton in Berwickshire, were forfeited to the Crown, and granted by King David the Second to various persons.¹ According to a recent writer, the greater portion of the lands forfeited by Sir Laurence were restored to his son Hugh, and were afterwards inherited by daughters of Sir Laurence, co-heiresses.² There is no evidence given in support of this last statement, but it is not improbable that it was in some such way that the lands of Hawthornden came to John Melville. For it would appear that he held also part of the lands of Halmyre in Peeblesshire, which had belonged to Sir Laurence Abernethy, and this fact corroborates the probability of a division between co-heiresses. But the evidence presently available does not show whether John Melville himself married one of these co-heiresses, or whether he inherited from one of them as his mother or grandmother, but the latter view is the most probable.

Some authorities, ignorant of the Melville connection with Hawthornden, have stated that in 1388 it was in possession of the Abernethys, who sold it to the family of Douglas. The lands of Hawthornden did come into the hands of a family of the name of Douglas, who occupied them until about 1596, when they were sold to Sir John Drummond, father of the celebrated poet. But the transactions which took place in 1386, 1399, and 1400, between John Melville and his "cousin" or kinsman, Sir William Douglas, son and heir of Sir James Douglas of Strathbrock, were the first dealings of the Douglasses with the lands, which came into their possession at a later date. The writs by John Melville are in the form of leases, but they were in reality wadsets or mortgages, as in the first document he refers to a sum of money paid to him, for which he leases the lands for ten years. But how or when the Douglasses obtained full possession of

¹ Robertson's Index, pp. 54, 56, 57, 116.

² The Frasers of Philorth, by Lord Saltoun, vol. ii. pp. 158, 159.

Hawthornden cannot be learned from any documents now in the Melville charter-chest.

John Melville refers also to part of the lands of Grieston, in Traquair parish and Buteland, in Currie parish, which may also have come to him with Hawthornden. Grieston remained in the hands of the Melvilles until 1473, but its later history, and also that of Buteland, have not been ascertained.

MELVILLE HOUSE AND THE PALACE OF MONIMAIL, IN FIFE.

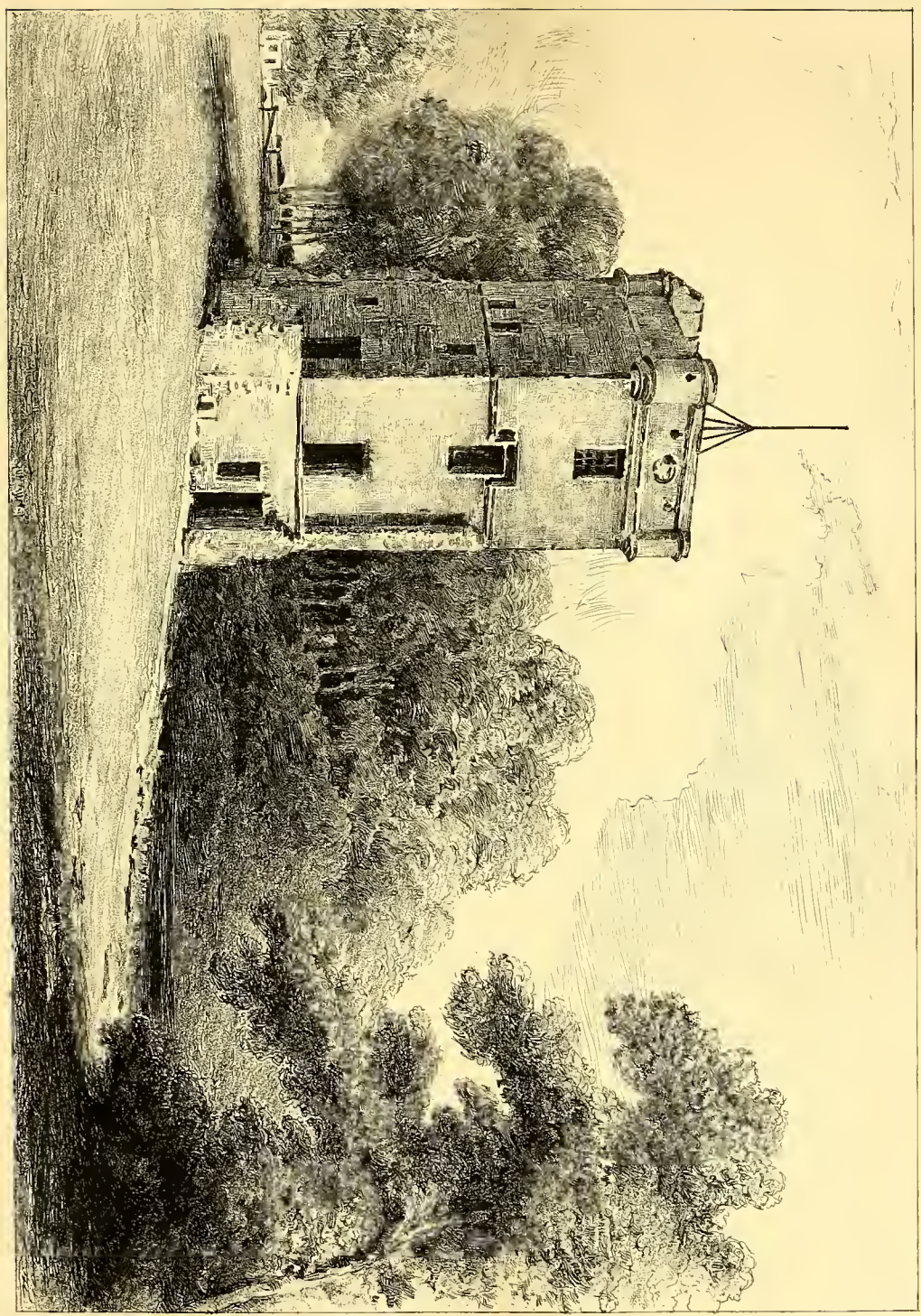
This noble mansion, which was erected by George, first Earl of Melville, about 1692, stands a short distance to the south of an older building called the Palace of Monimail, from its being the country residence of the bishops and archbishops of St. Andrews.¹ The lands of Monimail, on which the palace was built, were in possession of the see of St. Andrews at a very early date. Only a portion of the old palace now remains. It is known as Cardinal Beaton's Tower, and a lithographed representation of it, as well as of Melville House, is given in the present work.

The acquisition of the house or palace of Monimail by Sir Robert Melville of Murdochcairn has been explained in his memoir, and the circumstances under which John Hamilton, archbishop of St. Andrews, sold the house in 1564 to Sir James Balfour of Pittendreich have also been narrated. These need not be repeated here, as the writs there quoted contain all the information now in the Melville charter-chest. But the archbishop's charter, and that to Sir Robert Melville, only deal with the house and its immediate surroundings, the green before the outer gate, the whole being described as "within all the principal dykes," which were probably mounds of turf which fenced off the house and grounds from the neighbouring lands, which had been feued to separate proprietors.

¹ John Hamilton, archbishop of St. Andrews, was residing at his palace of Monimail, when he was cured of a dangerous malady (phthisis, according to some writers) by Jerome Cardan, the famous Italian physician, by means of the healing virtues of a well, which is adjacent to the palace, and is still known as Cardan's well. A late minister of the parish of Monimail, however, disputed the virtues

of the well, declaring that the cure was really effected by the exercise enjoined upon "the lazy prelate," as he calls him, of walking to and from the well, though the distance is inconsiderable. A few years ago a young calf, grazing in the park in which the well is situated, fell into it and was drowned. The well has thus the distinction of having cured an archbishop and killed a calf.

BISHOP'S PALACE AT MONIMAIL; CARDINAL BEATON'S TOWER.





MELVILLE HOUSE: FIFESHIRE.

Monimail, as afterwards erected into a temporal barony in 1613, in favour of Sir Robert Melville of Murdochcairnie, comprehended the place of Monimail and the lands of Letham, Monksmire, Edensmoor, with the teinds of the parish of Monimail and others, as resigned by Sir Robert in the hands of the Crown. These lands, some of which were occupied by portioners, had been gradually acquired by Sir Robert, and his son, the second Lord Melville, added Montagart to their number, as shown by his resignation in 1627. In 1643 the old family estate of Raith was also included in the lordship, and in 1669 King Charles the Second granted a new charter of erection, adding to the barony of Monimail the lands of Pitlair and Balwearie.

The house of Monimail continued to be known by that name until about 1692, when the new house was built and called Melville. Sir Robert Sibbald describes it in 1710 as a great, noble, and regular new house, richly furnished, with office-houses without, large gardens, vast enclosures for pasture and barren-planting. The house was erected in the style of the period, and is a large square building consisting of two principal stories, with a basement and attic. Two deep projecting wings enclosed a court at the original front, but the front has since been changed, a new entrance made at what was formerly the back, and the court has been laid out as a parterre, ornamented with shrubs and flowers. The saloon, or hall, measures forty-five feet by twenty-four. The park which surrounds the house is enriched with a fine display of noble trees. The old approach is very grand, having on each side a double row of beech-trees of great height and beauty, but, though the trees still remain, a new winding approach has been made through the richly wooded park.

In the year 1733, between six and seven o'clock in the morning of the 27th October, while all the family were in bed, Melville House, then occupied by Alexander, fifth Earl of Leven, was struck by lightning, and the effects of the electric fluid were so remarkable that they were thought worthy of the attention of the Royal Society in London, and were fully described by Professor Colin Maclaurin of Edinburgh in a letter to Sir Hans Sloan.¹ The letter was accompanied by plans in explanation of the statements made, and is also too long to be inserted here. But it would appear that the lightning affected almost every room in the house, which was roofed with lead. One

¹ The Letter was printed in the Scots Magazine of the period.

"chimney head" or stalk was struck level with the roof, and the stones scattered to the distance of one hundred feet from the house. In some of the rooms little damage was done—some gilding melted or a pane of glass cracked, while in others stones were thrown out of the wall, panels loosened or splintered, pictures tarnished or thrown from one side to the other of the apartment, glasses broken, and other similar injuries inflicted upon the furniture. There were also breaches in the walls, some of considerable extent, others trifling, and such occurred in rooms far apart from each other.

In the bed-chamber of Lord and Lady Leven two panes of one window were broken, and the pieces of glass driven towards the bed on the opposite side of the room. In the corner next that window the mouldings of the panels were broken off and also thrown towards the bed. The mirror of a dressing-glass that stood under these was broken to pieces and the quicksilver melted off, but the frame was entire and stood in its place, though it smelt of sulphur some hours afterwards. A picture close by was tarnished, and others beat against the opposite sides of the room, but not tarnished. A mirror between the two windows was entire, though a panel under it was struck out, while a chest of drawers in front of the panel suffered no harm. Other damage was done in the room, but it was comparatively slight.

Lord Leven's personal experiences are thus described :—"He was awak'd with the noise of a great gust of wind, that, upon looking up and drawing the curtain, he perceived the lightning enter the room with a great brightness, appearing of a blewish colour, in the corner where it did most mischief. The brightness of it made him cover his eyes for a moment, then, looking up, the light seem'd to him to have abated, and the blewish colour had disappeared; at the same time he heard the thunder, which had an uncommon noise. He compares it to that which is made by the rings of a curtain when drawn violently over the rod. He felt at the same time the bed and the whole room shake, and was like to be choaked with the sulphur. The room was full of smoke, partly occasioned by the soot that came down the chimney. When my lady's woman, on ringing of the bell, open'd the door, she says she was scarce able to enter for the sulphurous steams that filled the room."¹ The latter, fortunately, was large and of a good height. It may be added that no

¹ From copy of letter in Melville Charter-chest, made in 1786 for the sixth Earl of Leven.

one in the house was injured in any way, except that Lord Leven's eyes were uncomfortable for a few days from the brilliancy of the lightning.

RAITH AND ABBOTSHALL, IN FIFE.

Of the early history of the lands of Raith there is no trace in the extant charters of the Melville family. These show that John Melville was proprietor of Raith in the year 1412. But from a charter granted in 1474 by Henry, Abbot of Dunfermline, to William Melville, then laird of Raith, we learn that the lands belonged to the abbey of Dunfermline as superiors, forming part of their regality, and were held by the Melvilles for an annual payment of £5 Scots, with the services of ward and relief.¹ The lands of Raith do not appear under that name in the register of the abbey of Dunfermline until 1474, the date of the above writ; but they were probably included in the territory described as "Kirkcaldyshire," gifted to the monastery at its foundation by King Malcolm Canmore and Queen Margaret.² The district thus named included the parish of Abbotshall, in which Raith is now situated, but which was disjoined from Kirkcaldy only in 1650.

The monks appear to have had at one time a dispute as to the possession of that portion of their territory, for at a later date King David the First repeated the grant made by his father and mother of the whole shire of Kirkcaldy, which Constantine, Earl of Fife, had withheld from the abbey by force. He further prohibited the heirs of Earl Constantine from challenging the grant. After this Balwearie and other places in the neighbourhood appear separately in the abbey register, but not Raith, so that the time of its acquisition by the Melvilles has not been ascertained.

The history of the barony while in their hands may be gathered from the memoirs. It was incorporated with the larger barony of Melville in 1643, and sold by David, third Earl of Leven, in 1725 to the ancestor of the present proprietor, Mr. Munro Ferguson. The mansion-house is thus noticed by Sibbald; "Raith, the ancient seat of the chief of the Melvills, who had, and yet have, sundry lands in this shire. The Lord Raith, treasurer-depute, built a very good new house here, with all its attendants of

¹ Vol. iii. of this work, pp. 47-49.

² Registrum de Dunfermelyn, p. 1.

gardens and others, and it has some old barren-planting."¹ The house then built has since been added to and improved in appearance.

The present mansion-house of Raith stands upon the summit of a considerable hill, and is surrounded by extensive and beautiful pleasure-grounds, in front of which there is a large lake. A view taken from the south of the house and lake and grounds is given in "Fife Illustrated."²

In the gardens of Raith House there is a large yew-tree of great antiquity, which indicates the site of the mansion of Abbotshall, to which the abbots of Dunfermline occasionally retired as one of the country seats belonging to that rich ecclesiastical establishment. Abbotshall House, which was built of stone, and appears to have been of considerable strength, with the grounds and the port of Burntisland, were resigned by the abbot into the hands of King James the Fifth. At a later period Queen Mary conferred Abbotshall upon Sir Robert Melville of Murdochcainie, whose right was confirmed in 1586 by King James the Sixth, and by Patrick, Master of Gray, who was for a time commendator of Dunfermline.³ The old country house of the abbots probably became incorporated with the estate of Raith in the time of John, third Lord Melville.

THE TERRITORIAL EARLDOM OF LEVEN AND LORDSHIP AND BARONY OF
BALGONIE, ERECTED IN 1664.

Although the territory of Balgonie has now passed to other hands, it was for two centuries in the possession of the Earls of Leven and Melville. The title of Lord Balgonie was derived from the lands and castle of that name. The castle was inhabited by the earls till the year 1824, and a short notice of the castle may here be appropriate. It is situated on a steep bank overhanging the river Leven, crowning an eminence about thirty-six feet above the bed of the stream. The building consists of an ancient tower or keep, with a more modern house of three stories communicating with it, to which a wing has been added. The more ancient tower is eighty feet high, and measures forty-five feet by thirty-six feet over walls.

¹ Sibbald, p. 125.

² By Joseph Swan, etc., 1840, vol. ii.

³ Vol. iii. of this work, pp. 125-127.



BALGONIE CASTLE.

It appears to date from the fourteenth or fifteenth century, and was probably erected by the Sibbalds, the first recorded owners of the lands. The castle and lands passed by an heiress, Elizabeth Sibbald, about 1450, to the family of Lundie, from whom they were acquired by Sir Alexander Leslie, afterwards first Earl of Leven. He made large additions to the house, and laid out new gardens and extensive enclosures around it on both sides of the river Leven. The character of the foundations suggest that the additions then made were raised upon those of an earlier building. The castle was formerly surrounded on three sides with a ditch and mound of earth, the fourth side being defended by the steep bank towards the river Leven.

Balgonie was a favourite residence of the sixth and seventh Earls of Leven, but was sold in 1824 by David, Earl of Leven and Melville, to James Balfour of Whittinghame. The price was £104,000 sterling. Mr. Balfour provided Balgonie to his second son, Charles Balfour, who was succeeded in it by his son, Charles Barrington Balfour of Balgonie and Newton Don. A lithographed view of Balgonie Castle is given in the present work.

In addition to the baronies and lands now described, as possessed by the main stem, several branches of the Melville family acquired other lands and baronies in different parts of Scotland. Prominent among these cadets were the MELVILLES OF GLENBERVIE in the parish of that name, in the county of Kincardine, of which Philip Melville was sheriff, in the reign of King Alexander the Second.

Of one of that sheriff's descendants, John Melville, Laird of Glenbervie, himself also sheriff of the Mearns, a painful tradition has been persistently preserved of his death in the neighbouring parish of Garvock. It is thus detailed by the minister of that parish :¹—

“In a hollow at the east side of the parish is said to be the place where the sheriff was boiled. The tradition is this, and affords a sad specimen of the barbarity of the times of James I., about 1420. Melville, the Laird of Glenbervie and sheriff of the Mearns, had, by a strict exercise of his authority, rendered himself obnoxious to the surrounding barons, who having teased the king by repeated complaints against him, at last, in a fit of impatience, the king said to Barclay.

¹ New Statistical Account, Garvock, vol. xi. p. 34.

laird of Mathers, who had come with another complaint: '*Sorrow gin that sheriff war sodden and suppit in broo.*' 'As your majesty pleases,' said Barclay, and immediately withdrew—went and assembled his neighbours, the lairds of Lauriston, Arbuthnott, Pitarrow, and Halkerton—appointed a great hunting match in the forest of Garvock, to which they kindly invited the devoted Melville. And having privately got ready a large kettle of boiling water in a retired place, they decoyed unsuspecting Melville to the fatal spot, knocked him down, stripped him, and threw him into the boiling kettle. And after he was boiled or *sodden* for some time, they took each a spoonful of the soup. To screen himself from royal justice Barclay built that fortress in the parish of St. Cyrus, called the Kaim of Mathers, on a perpendicular and peninsular rock, sixty feet above the sea, where in those days he lived quite secure. The laird of Arbuthnott claimed and obtained the benefit of the law of Clan Macduff, which, in case of homicide, allowed a pardon to any one within the ninth degree of kindred to Macduff, Thane of Fife, who should flee to his cross, which then stood near Lindores, on the march between Fife and Strathern, and pay a fine. The pardon is still extant in Arbuthnott House.¹ On the fate of the other conspirators the voice of tradition has died away. The field where this horrid deed happened still retains the name of Brownies' Leys, because from the murderous deed then perpetrated, it was long supposed to be haunted by the sprites called Brownies."

The main line of the Melvilles of Glenbervie continued till the reign of King James the Second, when Elizabeth and Giles or Egidia Melville, daughters and co-heiresses of Alexander Melville of Glenbervie, inherited that property. Elizabeth Melville married Sir John Auchenleck of that ilk in the county of Ayr, while Giles Melville married James Auchenleck, younger brother of Sir John. The grandchild and heir-female of Sir John Auchenleck and Elizabeth Melville was Elizabeth Auchenleck. She inherited Glenbervie and married Sir William Douglas of Braidwood, son of Archibald, fifth Earl of Angus, "Bell the Cat." Their descendants became prominent as Douglasses of Glenbervie and as Earls of Angus.²

A branch of the Melvilles of Glenbervie inherited the separate estates of DYSART, in the parish of Maryton, and BALDOVIE, in the parish of Craig, both

¹ This is not now the case, and as shown by a MS. of Principal Arbuthnott, preserved at Arbuthnott House, the death of Sheriff Melville was brought about in hot blood, and

was unaccompanied by the horrible accessories described by the tradition.

² The Douglas Book, 1885, vol. ii. pp. 111 *et seq.*

in the county of Forfar. Andrew Melville, the famous Presbyterian divine, and who has been called the father of Scottish Presbytery, and his nephew, James Melville, minister of Kilrennie in Fife, and author of the Diary which bears his name, were cadets of the Melvilles of Glenbervie, being descended from the Melvilles of Baldovie.

Andrew Melville found an able and learned biographer in Dr. Thomas M'Crie, and his Life of Melville is well known. In the edition of 1856 an original letter from Andrew Melville, written at Sedan in 1617, is printed, and also given in facsimile. He subscribes it "An : Melvin." Another signature of Melville as principal of St. Mary's College, St. Andrews, is here given :—

*Andreas Melvin, collegii præf.*¹

His father used the proper name of Melville, of which Melvin is a corruption. In Dr. M'Crie's "Life of Melville" much genealogical information is given regarding his family.

Another branch of the Melville family early acquired the barony of CARNBEE, in the parish of that name in the county of Fife. In the Baronage of Scotland by Sir Robert Douglas, a detailed descent of the Melvilles of Carnbee is given under the title of "Melvilles of Strathkinness and Craigtoun."² The Melvilles of Carnbee are there traced from Sir Richard Melville, knight in the reign of King Alexander the Second, down to Robert Melville, a general in the army, who bought Strathkinness and Craigtoun, and afterwards erected a new mansion which he called Mount Melville.

It does not, however, fall within the scope of the present work to give a detailed history of these branches of the Melville family, or of other less prominent cadets, who also acquired estates in different parts of Scotland.

Two families so prominent as the Melvilles of Melville and the Leslie of Leven, both celebrated for civil and military service in the history of Scotland,

¹ Memorials of the Earls of Haddington, Melvilles of Carnbee are also noticed in vol. i. p. xxxi. Wood's East Neuk of Fife, p. 330.

² Douglas Baronage 1798, p. 527. The

could not fail to attract the attention of historians. Reference has been made to the previous publication by the Maitland Club and others of portions of the Melville muniments. At an earlier date the celebrated Charter scholar, Mr. Thomas Thomson, advocate, who was the first Deputy Clerk-Register of Scotland, was intrusted by Alexander, Earl of Leven and Melville, with the arrangement of his family muniments. In a letter to his lordship, Mr. Thomson explains the progress that had been made in arranging the valuable papers which Lord Leven had intrusted to his care. After apologising that his other avocations had prevented the arrangements from being as yet quite completed, Mr. Thomson adds: "Your Lordship may rest assured that I shall allow no unnecessary or unavoidable delay to prevent the completion of the plan which I have in view, and which will, I flatter myself, add considerably to the historical, as well as the private, interest of the great, but very confused, mass of documents which were intrusted to me."

Mr. Thomson concludes his letter with an expression of regret at being unable to accept of Lord Leven's very kind invitation to inspect the other literary treasures in his lordship's possession, as his occupations had kept him a prisoner in Edinburgh during all the year.¹

The arrangement of the Melville Papers undertaken by Mr. Thomson was never completed. No trace, indeed, of their having been intrusted to him appears in the Melville muniments except in his letter now quoted. This is much to be regretted, as he had the largest experience of such work of any man in Scotland. From the time of his appointment to his office of Deputy Clerk-Register, in the year 1806, until the year 1841, when he ceased

¹ Original letter at Melville House, dated from Castle Street, Edinburgh, 28th October 1818. Mr. Deputy-Register Thomson had a partiality for occupying houses in Castle Street. He had houses successively in both the south and north divisions of it. "His 'first house was up 'a common stair,' then 'numbered 19 in North Castle Street. In '1799 he had moved to what was then 32 'South Castle Street, and about 1804 to a 'house with a street-door in his time numbered 12, now 61, North Castle Street. It

"is on the same side of the street with Walter 'Scott's, but a little lower down. . . . His mother took a house in South Castle Street." [Memoir of Thomas Thomson, 1854, p. 33, n. 7.] Sir Walter Scott's house in Castle Street was No. 39, where his immortal romances were chiefly written. He had previously occupied No. 19 in South Castle Street. Shortly before his bride was brought to his lodging in No. 108 George Street, the back windows of which overlook the court in the rear of No. 32 Castle Street.

to hold it, he bestowed great care and labour on the improvement and arrangement of the National Records of Scotland preserved in Her Majesty's General Register House in Edinburgh. The folio edition of the Acts of the Parliaments of Scotland, generally known by his name, is a monument to his learning and ability. Readers of "The Monastery" will remember Sir Walter Scott's graphic description of Mr. Thomson as Mr. Deputy-Register of Scotland. It occurs in the passage where Captain Clutterbuck is represented as conversing with the stranger who came to explore Melrose Abbey. The captain was the local authority, and he was taken by surprise when the stranger displayed more knowledge than himself. It is explained that "much of the stranger's arguments and inductions rested upon the authority of Mr. Deputy-Register of Scotland and his lucubrations; a gentleman whose indefatigable research into the national records is like to destroy my trade, and that of all local antiquaries, by substituting truth instead of legend and romance. Alas! I would the learned gentleman did but know how difficult it is for us dealers in petty wares of antiquity to

" 'Pluck from our memories a rooted "legend";
 " Raze out the written records of our brain,
 " Or cleanse our bosoms of that perilous stuff,'

" and so forth. It would, I am sure, move his pity to think how many old dogs he hath set to learn new tricks, how many venerable parrots he hath taught to sing a new song, how many grey heads he hath addled by vain attempts to exchange their old *mumpsimus* for his new *sumpsimus*. But let it pass. *Humana perpeSSI sumus*. All changes round us, past, present, and to come; that which was history yesterday becomes fable to-day, and the truth of to-day is hatched into a lie by to-morrow."¹

"Nothing," it has been said, "is so ravishing as records." During the thirty-five years from 1806 to 1841, when the first Deputy Clerk-Register of Scotland held office amongst the national records, he must have enjoyed the pleasurable sensation referred to. For even a longer period than that accorded to Mr. Thomson, the writer in various forms, and latterly as Deputy-Keeper of the Records, has had to acknowledge the services of the first

¹ The Monastery, ed. 1870, p. 24.

Deputy-Register. As a humble follower in the paths so successfully trod by so great a master, the writer has endeavoured to set forth in previous works the history and records of many of the noble and baronial families of Scotland. In the present work he has again been assisted by friends who deserve his special thanks for cordial co-operation. He must add that the generous confidence and ready assistance which have been afforded to him by those most interested in the present work have greatly lessened his labours. Lady Elizabeth Leslie-Melville Cartwright and her husband, Mr. Leslie-Melville Cartwright, have not only intrusted to him unreservedly their valuable muniments, but have shown enlightened liberality in printing these exhaustively, and illustrating them extensively with the family portraits, ancient charters and letters, castles, medals, etc.

Exactly seventy-two years have elapsed since 1818, when the letter of the first Deputy Clerk-Register was written from Castle Street, Edinburgh, explaining his delay in not arranging the Melville muniments. At the end of these seventy-two years, and in the same street, another and humbler deputy-custodier of the Records has completed the arrangement which was then only commenced.

A great writer has said that "those only deserve to be remembered who treasure up a history of their ancestors." The present amiable heiress of the Melvilles and Leslies may be deemed worthy of the commendation of being held in remembrance by the treasuring up of the present Record of her Ancient Race.

WILLIAM FRASER.

EDINBURGH, 32 CASTLE STREET,
November 1890.

THE MELVILLES OF MELVILLE.

THE LORDS OF MELVILLE IN MIDLOTHIAN

FROM 1160 TO 1458.

ACCORDING to tradition, the original ancestor of the family of Melville was one of those Hungarian noblemen who are said to have accompanied from their exile in Hungary the Saxon Prince Edgar Atheling and his sisters the Princesses Margaret and Cristina, to Scotland in the year 1068. To this it is added that this nobleman afterwards received from King Malcolm Canmore, who married the Princess Margaret, a grant of various lands in Midlothian, on which he built Castle Melville, and became the progenitor of all the Melvilles in Scotland.

This account of the origin of the Melvilles in Scotland, which resembles the mythical tale of Prince Maurice, the fabled ancestor of the Drummonds,¹ is varied by another theory put forth by a comparatively recent writer. Mr. Chalmers, the author of "Caledonia," thus writes: "Before the middle of the twelfth century, a person of Anglo-Norman lineage, who was called *Male*, settled under David I., on some lands in Midlothian, which he obtained from that beneficent prince. *Male* and *Maule* were probably of the same race. *Male*, who obtained the lands in Lothian, called the place where he settled, *Male-ville*, and from this local appellation, his family were distinguished by the surname of *Male-ville*."²

With regard to this statement, however, no person of the name of Male is found in any record of the time of King David the First, and Mr. Chalmers adduces no authority in support of this part of his theory. On the other hand, there is good reason to believe that the Melvilles are of Norman descent. Among those who accompanied William, Duke of

¹ Cf. The Red Book of Menteith, by Sir William Fraser, K.C.B., vol. i. p. liii.

² Caledonia, vol. i. p. 524.

Normandy, on his expedition against England in 1066 appears the name of Guillaume de Malleville,¹ who probably, like other adherents of the Conqueror, obtained lands and settled in England, whence his descendants, like so many other Anglo-Normans, came to Scotland. In another list he is referred to as "Le Sieur de Malleville," and he, or a relative of the same name, was a member of the expedition undertaken in 1096 by Robert Curthose, Duke of Normandy, and Godfrey of Bouillon, Duke of Lorraine.²

Further notices of the name of Maleville or Melville in England are very few. The name has not been found in Domesday Book, but during the reigns of King Henry the Second and his son, Richard Cœur-de-Lion [1154-1199]. Stephen and Robert Malluvell or Melville, brothers, appear as owners of seven oxgangs of land in Ravenston, in the county of Nottingham.³ During the reign of Henry the Third, in 1272, an English jury found that John, son and heir of William of Maleville, was sixteen years of age in April of that year. No locality is named, but about the same time the manor of Halstead, in Kent, was vacant by the death of William of Maleville, who may have been father of John. Twenty-five years later another John of Malevyle, and an Alicia of Malevyle appear as two of three heirs of Thomas Tycheseye, a proprietor in Surrey.⁴ To these facts it may be added that, so recently as 1667, there were three principal families of the name of Malleville in Normandy, represented by the Seigneur de Carville, the Sieur de la Fosse, and the Sieur de Champeaux, du Thuit Nollent, du Plessis.⁵ The Norman origin of the family of Melville may therefore be inferred from the foregoing facts, while it is evident that the name survived both in England and Normandy long after it was established in Scotland.

¹ Nobiliaire de Normandie, par E. de Magny, p. 5.

² Histoire Generale de Normandie, par Dumoulin, p. 190, App. p. 16. His name and arms are given as follow: "Monsieur Guillaume Malleuille, d'azur à vn chef d'argent endenté de l'un à l'autre vn lyonceau de gueules passant en chef."

³ Abbreviatio placitorum, Record Publications, pp. 4, 45. A.D. 1150-1199.

⁴ Calendarium Genealogicum, Rolls Publications, pp. 156, 536; Rotuli Hundredorum,

vol. i. p. 234.

⁵ Nobiliaire de Normandie, pp. 98, 99. Their names and arms are given as follows: "Malleville (de) Chevalier, seigneur de Carville, etc.; *D'azur, au chef denche d'argent, chargé d'un lion leopardé de gueules*: Malleville (de) Ecuyer, sieur de la Fosse; *De gueules, à trois molettes, d'epéron d'or*: Malleville (de) Ecuyer, sieur de Champeaux, du Thuit-Nollent, du Plessis, etc.; *D'argent, au chevron d'azur, accompagné de trois roses de gueules*.

GALFRID MELVILLE, LORD OF MELVILLE,
SHERIFF OF EDINBURGH CASTLE, AND JUSTICIARY OF SCOTLAND. c. 1150-1180.

Nothing has been ascertained, even from English records, of the immediate parentage and descent of the subject of this notice, Galfrid Melville, who was the first of his family to settle in the northern kingdom. He is first found on record in a charter by King Malcolm the Fourth, dated in the year 1162.¹ As already stated, Mr. Chalmers assigns an earlier date to the first ancestor of the Melvilles in Scotland, but no proof of this has been discovered, and all the grants of land in favour of Galfrid Melville date only from the time of King Malcolm the Maiden.

But whatever was his origin, Galfrid Melville, at his earliest appearance in Scottish record, is found occupying the important office of sheriff of Edinburgh Castle, and he thus at once comes into notice as a trusted servant of the king. The extent of the jurisdiction of the sheriff of Edinburgh Castle cannot be clearly defined, but it is probable that his sherifffdom included Midlothian, and perhaps also East Lothian, which was a separate constabulary, situated within the sherifffdom of Edinburgh.² Apart, however, from the actual extent of his jurisdiction, the sheriff's duties must have been onerous. A sheriff was required to attend the king's courts, to receive complaints before they were heard by the king, and to further as far as possible within his own territory the business of the government for the sovereign's benefit. These duties must have been rendered the more weighty in Galfrid's case, as the castle of Edinburgh was a prominent royal residence, on which account, also, his office must have been one of special honour. The writ in which he is first named shows him engaged in one of the duties commonly performed by the sheriff—settling the boundaries of a landed property. King Malcolm had just bestowed upon the monks of Newbattle a large tract of

¹ Registrum de Neubotle, pp. xxxvi, 122, 123. The date is fixed by the fact that Arnald, bishop of St. Andrews, one of the witnesses, died in September 1162, while Richard Morville, another witness, succeeded his father as constable at an earlier date in the same year.

² *Ibid. ut supra.* Linlithgow or West Lothian and Lanarkshire, as appears from the same writ in which the sheriff of Edinburgh Castle is named, were each under a separate sheriff, who is conjoined with Galfrid Melville in carrying out an order of the king.

land in Clydesdale, named Duncpelder, now represented by Drumpellier, and comprehending the modern parishes of Old and New Monkland. To define the marches of this extensive territory the king directed Galfrid Melville, whom he describes "as my sheriff of the castle of the Maidens," and two other sheriffs, Baldwin, sheriff of Lanark, and Uchtred, sheriff of Linlithgow, to perambulate the lands and give sasine to the monks.¹ A few years later, in 1165, Galfrid Melville, along with Uchtred, sheriff of Linlithgow, performed a similar service on behalf of the monks of Holyrood, to whom King Malcolm gave the church lands of Bathgate. In this case also the sheriffs acted in obedience to a mandate from the king, and the lands were measured in presence of the abbot of the monastery.²

Besides the fact that Galfrid Melville occupied the trusted post of sheriff of a royal residence and adjacent district, the numerous grants of land which he received from King Malcolm the Fourth indicate that he was in high favour with that monarch. The original charters to Galfrid have not been preserved, except in one instance, but from that and later writs, with other evidence, we learn that among the lands he received from King Malcolm were a part of Liberton parish with Lecbernard (Leadburn) in Midlothian.³ He also possessed estates in the county of Linlithgow, and either then or at a later date the lands called Melville in Midlothian.

The lands which Galfrid Melville possessed in Liberton are described as "that land which Malbeth held in Liberton." This former possessor of the lands is variously described as Malbeth and Malbet, or Macbet Bere, and also as Malbet or Malbead of Liberton. He was a baron of the time of King David the First, and appears as a witness to several charters by that monarch and his son, Henry, Earl of Northumberland. Previous to 1147, Malbet made a grant to King David's new abbey of Holyrood of two oxgangs of land, with the chapel of Liberton, and the teinds and dues of things living and dead in Legbernard. Legbernard, or Lecbernard, appears to survive in the modern name of Leadburn, and at that time comprehended a considerable portion of

¹ *Registrum de Neubotle*, pp. xxxvi, 122, 123. The former proprietor of the lands was Gillepatrik Makerin, evidently a Celt, and several men with Celtic names were to assist the sheriffs.

² *Ibid.* p. 228; *Register of Holyrood*, pp. 24, 208, 209. Galfrid Melville is also a witness to the king's grant of the lands.

³ Cf. vol. iii. of this work, p. 1.

the parish of Penicuik. Galfrid Melville was in possession of the lands of Liberton and Leadburn between 1153 and 1165, and he or his son of same name confirmed his predecessor's gift to the monks of Holyrood.¹

The lands which Galfrid Melville possessed in the county of Linlithgow are more difficult to define, but they were probably identical with those held later by his descendants, including the barony of Preston near the town of Linlithgow, with Retreven or Tartraven and others, in the same neighbourhood.² Besides these lands it would appear that the subject of this notice held the lands now known as Melville. It is not clear whether these were comprehended in the territory of Liberton or not, but it is probable Galfrid gave his own name to the lands when he founded the church of Melville. The precise year of its foundation is not clear, as the date of the charter in which it is first named, and by which it was conveyed to the abbey of Dunfermline, cannot be more nearly stated than between 1177 and 1188. Galfrid, however, refers to the church as already dedicated, and grants the church, with the land assigned to it at its dedication, to the monks of Dunfermline in pure alms, under condition that a light shall be kept perpetually burning before the tombs of King David the First and Malcolm the Fourth.³

The fact that Galfrid Melville, besides being patron of the church of Melville, was also owner of the lands around it, appears more evident from another charter by him of uncertain date,⁴ in which the kirk lands are described. These are the whole lands of Potwell, with their meadows, lying near the church, and the orchard meadow, also orchard bank on the west side of the highway; Well meadow, with Wellflat, under the hills, and the steep hill of Thorlothane, and upon the hills one acre and a half of the lands called Cobrinetscroft, with the tofts and crofts and habitation there; three acres lying in Wadyngflat; in Parkley, two acres; in the Kirk haugh, near the mill, three acres and a half; below the house of Melville, "aulas de Mailuyn," on the east side, two acres; and one acre above the cross, with three acres in

¹ Register of Holyrood, pp. 4, 203; cf. for other references to Malbet or Macbet Bere of Liberton, *ibid.* pp. 8, 9; Registrum Sancti Andree, pp. 181, 191; Registrum de Neubottle, p. 1.

² Cf. vol. iii. of this work, pp. 2, 9-11.

³ Registrum de Dunfermelyn, p. 91.

⁴ *Ibid.* p. 190. The charter as recorded in the register is incomplete, the testing clause and part of the description of the lands being omitted.

Logton, of which one lies on the west side of the loning there, and two lie above the croft flat, with free ingress and egress, and the free multures pertaining to said church, also to the church in common pasture in the town of Melville for twelve cows. Here the charter ends abruptly, but there is sufficient to show that the granter was owner of the surrounding property, and it would also appear that there was then a manorial residence, if not a castle, at Melville.¹

From the office of sheriff of Edinburgh Castle, in the time of King Malcolm Fourth, Galfrid Melville appears to have been promoted in the succeeding reign of King William the Lion to the office of justiciary, probably of the district south of the Forth.² He did not, however, hold this post long, as he seems to have been succeeded, about 1178, by Duncan, Earl of Fife. Galfrid Melville was also a witness to several charters by King William the Lion between the years 1171 and 1178, but he does not appear to have long survived the latter date.

There is reason to believe that Galfrid Melville was twice married. The name of his first wife has not been ascertained, but his second wife was Matilda Malherbe, who survived him. She was also of Anglo-Norman extraction, although the Malherbes assumed the name of Morham, from their lands in East Lothian. He had issue, seven sons.

1. Gregory, his heir, of whom a short notice follows.
2. Galfrid, who received from his nephew Richard, son of his brother Gregory, the lands of Grendun (now Granton, near Edinburgh) and the lands of Stanehouse or Stenhouse, near Liberton. In the charter by King William the Lion, confirming the grant by Richard, Galfrid is described as uncle of Richard Melville, and son of Matilda Malherbe, an expression which seems to imply that she was not the mother of Richard's father.³ This view is strengthened by another writ in which Richard, son of Gregory Melville, ratifies an agreement between Galfrid Melville and Matilda Malherbe, his mother, to the effect that Matilda should give up the half of Retrevin, now Tartraven, in Linlithgowshire, which was her dowry, and accept in exchange the lands of Stenhouse, which are to be held by her as Gregory

¹ Registrum de Dunfermelyn, *ut supra*.

and 1178. Registrum Episcopatus Glasguensis, p. 36.

² Galfrid Melville is only once named as justiciar, in a charter dated between 1171

³ Vol. iii. of this work, p. 3.

Melville held them.¹ The phraseology of this writ would imply that Matilda Malherbe was the mother of Galfrid, and not of his brother Gregory, and therefore, a second wife of the elder Galfrid. The younger Galfrid apparently received from his father a portion of the Liberton lands, as he confirmed to the monks of Holyrood the two oxgangs of land in Liberton, given by Malbet Bere. The land is to be held as freely and peaceably as the granter can give it, a phrase which suggests a qualified ownership.² Galfrid Melville, the younger, apparently survived until the reign of King Alexander the Second. About the year 1200 he appears as a witness, with the bishop of St. Andrews, several other bishops, the Earls of Fife, Strathern and Angus, and a number of Fifeshire gentlemen,³ to an important convention between the prior and canons of St. Andrews and the Culdees there, as to the rents and dues of certain lands and teinds. About the same date, or later, Galfrid Melville is a witness to a charter by another Fifeshire laird, Thomas, son of Walter of Lundin or Lundie, granting the lands of Balcormo in Fife to the abbey of Cambuskenneth.⁴ He is also named with the same Thomas of Lundin and others in the same neighbourhood, as witness to a charter by John, son of Michael, then laird of Wemyss, to the monks of May, about the year 1230.⁵ This constant connection with the county of Fife indicates that Galfrid Melville, the second of that name, had settled in that district. It is not improbable both from this fact, from a tradition preserved in the family of the Melvilles of Raith, that the laird of Carnbee was the second son of the first Lord of Melville,⁶ and also from the circumstance that at a later date the lands of Granton and Stenhouse were in possession of the Melvilles of Carnbee, that Galfrid the younger was the ancestor of that branch of the family.⁷

3. Thomas, who, with his four following brothers, is named as a witness to their father's grant of the church of Melville to the abbey of Dunfermline, already narrated. Of him no further trace has been discovered.
4. Robert, named in the same charter. A Sir Robert Melville, who is probably

¹ Vol. iii. of this work, pp. 2, 3.

² Register of Holyrood, p. 208. The charter is dated before 1174, and one reason for assuming that the granter is the younger and not the older Galfrid is, that among the witnesses to the deed are Galfrid the Sheriff and Gregory, his son, who are probably the father and brother of the granter.

³ Registrum Sancti Andree, p. 319.

⁴ The Cartulary of Cambuskenneth, p. 57.

⁵ Registrum Sancti Andree, p. 381.

⁶ MS. "Genologie of the House of the Raith," in Melville Charter-chest.

⁷ The lands of Granton and Stenhouse were in the hands of Melville of Carnbee before 1379. [The Scotts of Buccleuch, by Sir William Fraser, K.C.B., vol. ii. p. 10.]

the same, is a witness to a decision by Sir Walter Olifard the younger, justiciary of Lothian, in a dispute between the bishop of Glasgow and Jordan of Currokes or Corehouse, as to the lands of Stobo, confirmed by King Alexander the Second, in 1223.¹ He is also a witness in the year 1226, along with the Scottish chancellor, Sir Walter Olifard and others, to a charter by John Normanville to the abbey of Melrose, of part of the lands of Maxton.² Sir Robert Melville may have held lands in Roxburghshire and Peeblesshire, where the Melvilles certainly had possessions at a later date.

5. Hugh, named as above. He appears as a witness, about 1203, to a charter by Alan Fitz-Walter, steward of Scotland, granting lands in Renfrew to the abbey of Paisley, and is also a witness to another charter to that abbey, of uncertain date, but about the same period.³
6. Richard ; and
7. Walter, who are also named in the charter quoted, but regarding whom nothing further has been ascertained.

GREGORY MELVILLE, LORD OF MELVILLE, ELDEST SON OF GALFRID
DE MELVILLE. D. 1178.

The facts which have been ascertained regarding this member of the Melville family are very few, but they are sufficient to show that he was the son of Galfrid Melville, and the father of Richard, who carried on the main line of the family. It appears from a charter of King William the Lion that he had joint ownership with his father of the lands in Liberton and of Leadburn.⁴ From the same monarch he received the lands of Grendun, now known as Granton, near Edinburgh, which were granted in exchange for a large tract of territory in Ednam, Roxburghshire, which had been bestowed upon Gregory by King Malcolm the Fourth.⁵ Besides these he held the lands of Stenhouse, near Liberton.⁶ It is doubtful if he did not predecease his father. The name of his wife is not known. He was succeeded by his son Richard.

¹ *Registrum Episcopatus Glasguensis*, pp. 108, 109.

² *Liber de Melros*, vol. i. p. 220.

³ *Registrum de Passelet*, pp. 14, 49.

⁴ Vol. iii. of this work, p. 1.

⁵ *Ibid.* p. 2. The lands in Ednam extended to about 208 acres.

⁶ *Ibid.* p. 3.

SIR RICHARD MELVILLE, LORD OF MELVILLE, KNIGHT, *c.* 1180-*c.* 1215.

Richard Melville succeeded to his father and grandfather in the estates of Liberton and Leadburn, Granton, Stenhouse, and others, about the year 1178, and his rights were duly confirmed by King William the Lion.¹ This is not Richard Melville's first appearance in history, however, as he seems to have been one of the personal followers of King William the Lion, and accompanied that monarch on his hostile expedition into England in 1174, which ended in the capture of the king. The details of the story have been frequently told, but may here be briefly given. William crossed the borders with his army, which was partly composed of mercenaries from the Low Countries. He advanced through Northumberland, taking various small strongholds on his way, to the south bank of the Tyne, whence he meditated an invasion of Yorkshire. Learning, however, that the barons of that county were preparing to oppose his advance, he retreated towards Scotland.

On reaching Alnwick, the King of Scots despatched the greater part of his army, under the command of Duncan, Earl of Fife, to devastate the surrounding provinces. This the earl proceeded to do, and for greater effect divided his forces into three divisions, who ravaged the neighbourhood with ferocious cruelty. Meanwhile the Yorkshire barons marched to Newcastle, and found that the Scottish army had retreated. Notwithstanding this, they determined to press northward, as they had learned of the dispersion of William's troops, and believed him to be ignorant of their approach. In the early morning of the 13th July they hastened onward without interruption, their small force being screened from sight by a dense fog while passing near Warkworth, which the Scots were then burning and pillaging. The fog lifted as they neared the castle of Alnwick, and they hoped soon to gain its friendly shelter, when they perceived a small body of about sixty knights tilting in a neighbouring meadow. These were the King of Scots, with Richard Melville and other immediate followers, who were thus amusing themselves in fancied security, and paid no regard to the approaching band of horsemen until the latter were recognised as English. King William

¹ Vol. iii. of this work, pp. 2, 3.

then, with rash gallantry, rushed against the enemy, but in a few minutes his horse was slain and himself a prisoner. His followers then surrendered, and, with their leader, were carried in triumph to Newcastle.¹

The Scottish king remained a prisoner until December, and Richard Melville probably shared his master's captivity, both being liberated after the Treaty of Falaise. He may also have attended with King William at York in the following August, when the Scottish king and Earl David his brother, with the bishops, abbots, earls, barons, and knights of Scotland, joined in swearing fealty to the King of England, and ratified the Treaty of Falaise.² Richard Melville was present with his master, in 1178, on an important occasion, which arose out of the capture at Alnwick. This was the consecration of the first abbot of the new monastery which King William founded at Arbroath in honour of Saint Thomas the Martyr, the very saint before whose shrine King Henry the Second had done penance a day or two previous to the Scottish king's capture, and to whose agency that event was ascribed. The first inmates of the new foundation were monks brought from Kelso, and Friar Reginald, one of their number, was the first abbot, who was consecrated by Matthew, bishop of Aberdeen, the see of St. Andrews being then vacant. After the ceremony, the abbot of Kelso, who had been Abbot Reginald's superior, formally freed him from all subjection and obedience, and declared that though monks had been taken from Kelso to build the new abbey, yet no abbot of Kelso should claim authority over any abbot, or over the abbey of St. Thomas. To this declaration King William himself was a witness, with various ecclesiastics and personal attendants, one of whom was Richard Melville.³

The latter was himself a benefactor to the new foundation, bestowing upon the monks there and upon the chapel of St. Laurence of Kinblethmont

¹ Robertson's *Scotland under her Early Kings*, vol. i, pp. 366-370. Palgrave's *Historical Documents*, pp. 77-80: where it is stated that the English barons heard that King William had sent his army from him. The chronicler states that only the king's own household ("*privata familia*") remained with him. Those who surrendered with the king were Richard Cumin, William de Mor-

temer, William de Insula [Lisle], Henry Reuel, Ralph de Verc, Jordan the Fleming, Waldeve, son of Baldwin of Biggar, and Richard Melville.

² The Treaty of Falaise was dated 5th December 1174 [*Fœdera*, vol. i. p. 30], and the meeting at York took place on 10th August 1175.

³ *Registrum Vetus de Aberbrothoc*, p. 9.

ten acres in the plain of Kinblethmont,¹ and half an acre in the chapel toft, with the teind of the mill; granting also such pasturage as might enable the chaplain serving the chapel to keep one horse, two oxen, four cows, and forty sheep.² At what date this grant was made is uncertain, but Richard Melville appears to have conferred the church of Tannadice, in the county of Forfar, upon the canons of St. Andrews before the year 1187.³

Besides these lands in Forfarshire, Richard Melville, as we have seen, held the lands belonging to his father and grandfather in Mid Lothian and West Lothian, and granted various charters in favour of his uncle Galfrid. He was also, towards the latter portion of the reign of King William, sheriff of Linlithgow.⁴ It appears from a charter by his grandson, Gregory, that Richard Melville endowed, if he did not found, a chapel on his lands of Retrevyn or Tartraven in West Lothian. It was dedicated to St. Leonard, and received a grant of about fifty acres of land, which was continued and added to by Richard's successors.⁵

Richard Melville appears to have received the rank of knighthood before his death, as his grandson refers to him as Sir Richard of Melville. He appears to have died not long after the end of King William's reign, as no further record of him has been found.

Sir Richard Melville married, between 1189 and 1199, Margaret Prat, daughter of Richard Prat of Tynedale, who granted to his daughter and her husband a large tract of land, called in the charter Morgunessete, but which from later writs is identified with a large portion, if not the whole, of the modern parish of Muiravonside, in the county of Stirling.⁶ The boundaries of the lands are defined to be: As the old road passes from Sauelmesford, as far as the seat of St. Morgan, and from the seat, as far as the stone which Richard Melville fixed by advice of the granter, and from that stone as Witherlem holds itself, as far as the great road on the west side of Armethe,

¹ In the parish of Inverkeillor, Forfarshire.

² *Registrum Vetus de Aberbrothoc*. John, bishop of Caithness, is a witness, who became bishop about 1186, but the date of his death is uncertain.

³ *Registrum Sancti Andree*, cf. pp. 64, 152, 230.

⁴ *Register of Holyrood*, p. 28.

⁵ *Registrum Sancti Andree*, p. 376.

⁶ Vol. iii. of this work, pp. 4, 5. On the back of the writ the name is written in a contemporary hand, "Morwensete," and appears in later charters as Morvingside, Morinsyde, Morwynsyde, Morowinsyde.

and as that road goes as far as the stream running from Monecapel, and from Monecapel towards the west to the head of the stream flowing as far as the South Moss, and as the moss and dry land extend themselves to the rock on the west side of the moss, and from the rock to the Little Black Hill, and from the hill to the west part of the peatary of Morgunessete, and as the peatary and dry land extend towards the east to the stream flowing from the peatary, and as the stream flows to the Avon. A right to the common pasture of Manuel is also included in the charter. It is probable that most of the boundaries indicated are not now traceable, but the lands granted lay near Melville's lands of Preston, Tartraven, and others in Linlithgow, the Avon flowing between.

Richard Melville had, so far as has been ascertained, only one son, who succeeded to his estates.

WILLIAM MELVILLE, LORD OF MELVILLE, *c.* 1200.

It is only from the charters of his son, Gregory, who succeeded him, that the name and existence of this lord of Melville is known, and these charters give no indication of the date or length of his career. There is nothing to show whether he survived or predeceased his father, Sir Richard, and no evidence has been found to show that he exercised any proprietary rights over the estates. He appears to have left three sons—

1. Sir Gregory, of whom a memoir follows.
2. Thomas, called Thomas of Haddington in a charter by his brother, Sir Gregory, to the chapel of Retrevyn (Tartraven).¹ He married Christiana, sister of Gregory Lysurs, chaplain, a member of the Gorton family, and under the designation of Thomas, son of William Melville, he received from his brother-in-law a grant of six acres of the lands of Temple, including four acres lying between Dalhousie and Gorton, with pasture for four oxen, four cows, thirty sheep, four swine, and one horse.² Thomas of Temple, of Haddington, or Melville, as he was variously called, left no male issue, and his lands in Gorton passed, in the first place, to his three daughters. They were, Cristiana, who married Adam, son of Walter, son of Aldwyn ;

¹ Registrum Sancti Andree, p. 377.

² Registrum de Neubottle, p. 301.

Alicia, who married Richard, son of Galfrid, son of Gunnild ; and Eva, who married Malcolm, son of David Dun. They had their father's lands confirmed to them by William Lysurs, laird of Gorton, but at a later date he granted the lands to Stephen of Melville, a clerk, perhaps a kinsman of Thomas, though this is uncertain.¹

3. David, who is also described by Sir Gregory Melville as his brother,² but of whom nothing further is known.

SIR GREGORY MELVILLE, LORD OF MELVILLE, KNIGHT, *c.* 1242-*c.* 1270.

The materials for the history of this member of the family are also very meagre, but there is evidence that he possessed the chief estates of his ancestors for some years. His name first appears on record about the year 1242, as a witness to transactions with the abbey of Arbroath and the bishop of Aberdeen, in which Alan the Doorward was interested.³ He appears also under the designation of Gregory, lord of Melville, in a charter of uncertain date, but granted probably between 1240 and 1250, relating to lands in the burgh of Linlithgow.⁴

During the years between 1250 and 1264, Gregory Melville granted a number of charters to various religious houses, chiefly confirming former benefactions made by his predecessors. In the presence of Gamelin, the newly-elected bishop of St. Andrews, and a considerable company of ecclesiastics, gathered in full chapter at Dunfermline, this lord of Melville, on 22d November 1250, granted to the abbey of Dunfermline his rights of patronage over the church of Melville, renouncing them wholly in favour of the monks. This grant was followed in the succeeding year by another renunciation of the same rights, which had perhaps been challenged in the interval. This final transaction took place in the castle of Edinburgh, and in all the writs the granter describes himself as Gregory of Melville, son of William of Melville.⁵

¹ Registrum de Neubotle, pp. 301-304.

² Registrum Sancti Andree, p. 377.

³ Registrum Aberdonense, p. 17 ; Registrum Vetus de Aberbrothoc, p. 91. There is, however, some reason to doubt whether the Gregory Melville who figures in these writs

was really the laird of Melville, or a priest of the same name.

⁴ Registrum de Neubotle, p. 150.

⁵ Registrum de Dunfermelyn, pp. 92, 116, 119.

The abbey of Newbattle also received from Sir Gregory at a later date various grants, one of the gifts being a stone of wax for lighting the church, to be furnished from the lands of Leadburn. Sir Gregory promised that each year, on the 25th of March, the sacristan of the abbey should receive the wax by the hands of a servant, the granter stipulating that he might in charity receive a share of the benefits of the convent.¹ The date of this grant is uncertain, but the giver had received the rank of knighthood. On another 25th March, in the year 1264, Sir Gregory bestowed on the monks of Newbattle the right of free transit through his lands of Retrevyn or Tartraven, while passing with their animals and baggage to their lands in Clydesdale, or when returning thence to their monastery by the road which they had used in time past. The privilege was to be exercised as often as convenient to the monks, who were also permitted to unyoke and feed their animals in the common pasture of Sir Gregory's land, excepting the standing corn and the meadow land, without hindrance. Permission to sojourn overnight, if necessary, once in going and once in returning, was also accorded, as often as the monks passed that way. The abbey, however, was to give an equivalent for the privileges thus granted, by furnishing Sir Gregory or his heirs yearly with a new waggon filled with timber, such a waggon as the monks made for their own work in Clydesdale.²

Besides these grants, Sir Gregory Melville entered into an obligation by which he bound himself and his heirs to maintain a chaplain to serve the chapel of St. Leonard on his lands of Retrevyn. He also promised, in addition to the land already bestowed by his grandfather Sir Richard, to give two merks and a half from his lands of Leadburn—the whole to be spent in masses for the souls of David, William, Alexander, and their successors, kings of Scotland, and the souls of Galfrid, Richard, and William Melville, and their successors. If, however, Sir Gregory or his heirs deemed it better to retain the curate of the chapel as their private chaplain, or at their own table, they should have power to resume the land or annualrent in their own hands, a sufficient service being provided in the chapel, under a penalty

¹ *Registrum de Neubotle*, pp. 156, 157.

² *Ibid.* pp. 161, 162. Date of grant, 25th March (New Year's Day) 1264. The waggon

was to be delivered by the monks on the 1st of August yearly, doubtless to be used for the harvest.

of £100 and ecclesiastical censure. The chapel and chaplain in question were to be under the jurisdiction of the prior and bishop of St. Andrews.¹

Nothing further has been found on record regarding Sir Gregory Melville, save the fact that he appears to have been sheriff of Aberdeen prior to 1264, but his account rendered to exchequer has not been preserved.² The name of his wife is unknown, and, as far as has been ascertained, he left only one son, William, who succeeded him.

WILLIAM MELVILLE, LORD OF MELVILLE, *c.* 1270-*c.* 1304.

Like his grandfather of the same name, little is known regarding this member of the family beyond his name. He appears on record as a witness to his father's obligation respecting the chapel of St. Leonard, at Tartraven, and is there designated son and heir of Sir Gregory, the charter in question being dated about 1270.³ It is also on record that he paid homage to King Edward the First in 1296. In the Ragman Roll, to which his name was appended at Berwick, he is described as William de Maleville, seignor de Retrevyn, and is said to do homage for lands in Roxburghshire. His seal is still appended to the Ragman Roll, but is defaced. He appears to have died about 1304, and was succeeded by his son, John Melville. Marie, widow of William of Melville, appears in 1304, as the recipient of various grants from King Edward the First, but it is not clear whether she was the widow of William Melville of that ilk, or of another William Melville, who held lands in Peeblesshire, and who died in 1298. The seal of this William Melville is described as bearing a hunting horn.⁴

JOHN MELVILLE, LORD OF MELVILLE, *c.* 1320-1345.

John Melville succeeded his father and grandfather before 1329, but how long before that date does not appear. As in the case of his ancestors, it is principally from his benefactions to various religious houses that anything is known regarding him. His first appearance on record is in the year named, when, under the designation of John Melville, lord of that ilk, son and

¹ Registrum Sancti Andree, pp. 376, 377.

² Exchequer Rolls of Scotland, vol. i. p. 12.

³ Registrum Sancti Andree, p. 377.

⁴ Calendar of Documents relating to Scotland, vol. ii. pp. 200, 211; Nos. 809, 1544, 1579, 1594.

heir of the late William Melville, he confirmed to the monks of Newbattle, the privilege of free passage through his lands, formerly granted by his grandfather, Sir Gregory Melville. This charter, as recorded, has an alternative reddendo, the granter binding himself in one clause to accept from the monks only one merk of yearly rent assigned to him from their land of Ballormy, while, in a separate clause, the waggon formerly exacted is declared to be a sufficient equivalent.¹ The second clause, however, appears to have been added at a later date, when the abbot of Newbattle bound himself and his convent to furnish such a waggon yearly, giving the lord of Melville power to distrain their goods, if they failed in performance. On the same day, Melville entered into a similar obligation, to continue to the monks of Newbattle the stone of wax yearly, which his grandfather had bestowed, or to pay four shillings annually. The granter gives the convent power of distraint over his lands in default of payment, and his son, Thomas, is a consenting party to the obligation.²

In the following year, the lord of Melville, continuing the benefactions of his ancestors, entered into an agreement with William, prior of St. Andrews, by which he conveyed to the canons of St. Andrews a half carucate of land of his lordship of Preston, in West Lothian, lying between Riccartoun on the east, "Estyrhyld cleffe" on the west, the land called the Hill on the south, and Parkly on the north : to be held in free alms. There was reserved, however, the privilege of access to the quarry on the land, to obtain stones for building the laird's own manor of Preston, with free passage for carrying the stones, where the property of the canons might be least injured. On the other hand, the prior and canons granted to the chaplain of St. Leonard's chapel of Retrevyn or Tartraven, their small teinds of Retrevyn, but reserving the teind-sheaves of the land, and the funeral rights of the lord and lady of Retrevyn for the time, as customary, and also reserving to the vicar of Linlithgow, for the time, four pennies for each dead body of the said town of Retrevyn and its neighbourhood, levied by him or his chaplains.

Further, John Melville and his heirs were to minister to the chaplain all

¹ Registrum de Neubotle, pp. 161-163.
Charter by John Melville, 3d August 1329 ;
alternative clause, dated apparently 5th Sep-

tember 1344.

² *Ibid.* pp. 176, 177. Both obligations
dated 5th September 1344.

things necessary in food, and clothing, and salary, honourably and sufficiently, from the rents of Retrevyn and Preston, so that the chaplain should exact nothing more from the prior and canons than the small teinds. He was to be chosen and inducted by the prior; if found deficient, he was to be removed by the prior, and another substituted, every chaplain making faith to the church of Linlithgow that it should suffer no detriment from him. If, however, the lord of Melville, or his heirs, should agree with the chaplain that he might be at their table, they might during such time dispose of the small teinds, and the chaplain should take oath to serve the chapel and to keep his master's counsel. It is further provided that if, because of civil war and the wasting of the country through any unavoidable cause, no chaplain were found for the chapel, the small teinds of Retrevyn should be collected by the lord and the chamberlain of the canons, or either of them, and preserved entire for the use of a future chaplain. Should the prior and canons be evicted from the half carucate of land, then the small teinds were to revert to them. This agreement was executed in duplicate, and duly sealed by both parties.¹

Nothing further is known of the history of this lord of Melville. He had a son and heir,

THOMAS MELVILLE, LORD OF MELVILLE, 1344-1345,

Who was a consenting party to his father's grant to the abbey of Newbattle in 1344, and to the agreement with the prior of St. Andrews in 1345. His name has not been found elsewhere on record, and it is not known whether he actually succeeded to the estate. He had a son,

JOHN MELVILLE, LORD OF MELVILLE, 1379-1400.

This lord of Melville first appears on record in the year 1379, when he was in full possession of the family estates. In November of that year he granted to John Melville, son of John Melville of Carnbee, his lands of Granton and Stenhouse in the barony of Melville. These lands, as already

¹ Vol. iii. of this work, pp. 9-11.

stated in a previous memoir, were among the earliest estates held by the Melville family in Scotland, being bestowed upon Gregory Melville by King Malcolm the Fourth before 1165. They were afterwards bestowed by Richard, son of Gregory, upon his uncle, Galfrid Melville, who appears to have settled in Fife. The superiority, however, of the lands apparently remained with the granter, as his direct descendant, John Melville, was overlord in 1379. As remarked on a previous page, though it is not clear that the Melvilles of Carnbee were the direct descendants of Galfrid Melville, their possession of Granton, and their relations with the lords of Melville as the feudal superiors of their lands argues the probability of such descent.

The lands were resigned and re-granted to a series of heirs, first to John Melville, younger of Carnbee, and the heirs-male of his body; secondly, to his brother, Thomas Melville; and thirdly, to another brother, James Melville. Failing all these and the heirs-male of their bodies, the lands were to pass to Christian Melville, sister of James, and daughter of the elder John Melville, and her heirs whomsoever, and to the heirs whomsoever of her father. The lands were to be held in fee and heritage for the usual ward and relief, etc., with the services of two servants or men-at-arms, one with a horse and a hauberk, and the other with a horse and no hauberk.¹

The next reference to John Melville which has been discovered is in a charter by King Robert the Second, confirming to John Cross, burgess of Linlithgow, a wadset over the lands of Hillecliff of Upper Preston. These lands, with two parts of the mains of Preston towards the east, near the town of Linlithgow, had been mortgaged by the lord of Melville, and were now confirmed by the king, reserving his own rights.² Three years later, we find John Melville granting to Sir William Douglas, son and heir of Sir James Douglas of Strabrock, a lease of various lands including a considerable extent of territory. These were the lands of Hawthornden, in the barony of Gorton, on the Esk, the lands of "the Temple," in the barony of Leadburn, and Buteland, in the parish of Currie, all in the shire of Edinburgh, with Greviston or Grieston, in the parish of Traquair, county of Peebles; which

¹ Charter granted at Melville, 20th November 1379. The Scotts of Buccleuch, by Sir William Fraser, K.C.B., vol. ii. p. 10.

² Charter dated at Kilwinning, 30th October 1383. Registrum Magni Sigilli, ed. 1814, p. 167.

were to be held on a lease of sixteen years. The sum to be paid for the first ten years is not specified, but during the last six years Sir William was to pay two merks sterling yearly, at Hawthornden.¹ The lease, so far at least as regarded Hawthornden and Grieston, was renewed in 1399, for a further term of ten years, at a yearly rental of £20 Scots.² A few months later, in the beginning of 1400, John Melville leased to the same Sir William Douglas his land of the hall of the myre, now Halmyre, in Peeblesshire, at a yearly rent of two and a half merks Scots. The money was to be paid at Hawthornden, and the lease to endure until Sir William could pay to Melville the sum of £20 Scots, when he and his heirs were to possess half the lands.³

Besides these leases, John Melville, in the year 1392, executed a wadset or mortgage of his lands of Mosshouses, in the county of Edinburgh, in favour of Sir Henry Douglas, Lord of Logton. This appears from a charter by Sir Henry, in favour of his son Henry Douglas, of these lands, with others mortgaged by Sir John Stewart of Cragy.⁴

John Melville of that ilk was succeeded by his son,

THOMAS MELVILLE, LORD OF MELVILLE, 1427-1429.

It has not been ascertained at what particular date Thomas Melville succeeded to the estate. But he was in possession of "Mailvil," and exercising the right of ownership as "lord of the samyn sted," on the 27th of March 1427. On that date he entered into a contract of excambion, with consent of John Melville, his son and heir, on the one part, and Sir William Tynnyngham, parson of the "kyrk of Mailvil," anent the "kyrklands of Mailvil."⁵ This transaction appears to have been entered into when Thomas Melville was far advanced in life, and his death occurred about two years later, in December 1429. He was succeeded by his son John, the consenter in the contract of 1427.

¹ Lease, dated at Linlithgow, 1st April 1386, vol. iii. of this work, p. 14.

² Lease, dated at Dalkeith, 10th July 1399. *Ibid.* p. 15.

³ Lease, dated at Dalkeith, 12th March 1400,

Ibid. p. 16.

⁴ Dated at Logton, 6th November 1392. *Registrum Honoris de Morton*, vol. ii. p. 179.

⁵ Original contract in possession of the Earl of Glasgow.

JOHN MELVILLE, LORD OF MELVILLE, 1429-c. 1442.

John Melville succeeded his father in December 1429, and on 27th January 1429, he was retoured heir to him in the barony of "Malwyle"—the name of the barony, and the surnames of the father and son, being all written in that form. It is stated in the retour that the barony was in non-entry from the decease of Thomas Melville eight weeks before.¹ In the following February, he was also infeft in a small portion of the lands of Grieston in Peeblesshire.² Nothing further has been discovered regarding him, but he appears to have died before 1442, and was succeeded by his son Thomas Melville. The name of his wife has not been ascertained, but she survived him, and died in the year 1465, as it appears that she received her terce up to June of that year.³

THOMAS MELVILLE, LORD OF MELVILLE, 1442-1458.

He appears to have succeeded his father about the year 1442, as, according to a list of crown sasines under that date, he was then infeft in the lands of Grieston, Peeblesshire.⁴ Ten years later he witnessed a charter by Robert Boyd of Kilmarnock to Sir David Hay of Yester, and is described as Thomas Melville, lord of that ilk.⁵ Two years after, under the decree of a justiciary court, held in January 1454, his goods were escheated to the extent of £10.⁶ The reason of this is not stated, and it does not appear that he was embroiled in any political offence. He may, however, have been in debt, as there is evidence that his lands of Mosshouses and Grieston were mortgaged for a time. During his possession of the barony of Melville and the other landed estates, he was styled in a deed granted by himself, "a noble and potent

¹ Original retour, dated 27th January 1429-30, in possession of the Earl of Glasgow.

² Certificate of sasine by the sheriff of Peebles, 14th February 1429-30. Vol. iii. of this work, p. 22.

³ Exchequer Rolls, vol. vii, pp. 254, 320, 403.

⁴ Index in libros responsionum, Exchequer Rolls, vol. ix. p. 657.

⁵ Charter, dated at Edinburgh, 10th January 1451-2. Registrum Magni Sigilli, vol. ii. No. 521.

⁶ Exchequer Rolls, vol. vi. pp. 143, 144.

Thomas Malwin, lord of the same." This designation occurs in the obligation dated in 1457, the year before his death.¹

Thomas Melville died in 1458, the last direct male heir of his family, and was succeeded by his daughter and heiress, AGNES MELVILLE, who was then a minor. He left a widow, whose name is unknown, who survived at least until the year 1471, but how much later has not been ascertained.²

AGNES MELVILLE, daughter and heiress of Thomas Melville, remained a ward of the Crown until Whitsunday 1471, when she entered into full possession of the barony of Melville, being retoured heir to her father on 23d April of that year.³ She also received infeftment of the lands of Greiston, in Peeblesshire, about 1473.⁴ She married Robert Ross, son of Sir John Ross of Halkhead, and shortly after acquiring her estates, with consent of her husband, appointed her father-in-law, Sir John Ross of Halkhead, bailie of the barony of Melville during his life, describing herself in the writ as Agnes Melville of that ilk.⁵ In 1473 an action was brought against her husband by Archibald Melville, who claimed the south mains of Tartraven, on a lease granted to him by the late Thomas Melville, her father. The lords auditors, however, decided that Melville should give up the lands to Ross, but they requested the latter to give to him and his wife, for his lifetime, six acres of corn-land and two acres of meadow, free of rent.⁶

The heiress of Melville, however, was dead before 1478, leaving a son and heir, John Ross, a minor. After her decease, a question arose as to her husband's right over the lands or tenantry of Granton and Stenhouse, held of her as superior, but from which the king claimed the casualty of ward on account of her death. The claim was resisted by their proprietor, Henry Melville of Carnbee, on the ground that the lands were not in ward, because the lady's husband, Robert Ross, held the whole lordship and lands of his late wife by the courtesy of Scotland. The lords of council, however, decided in favour of the Crown, declaring that the lands were and should be in the king's hands, by reason of ward, until the lawful

¹ On 12th August 1457, Thomas Melville of that ilk received from Thomas Cockburn, rector of Henriland (Megget?), a letter of reversion for redemption of his lands of Moss-houses and Grieston. Original in possession of Earl of Glasgow.

² The evidence of the Exchequer Rolls shows that the terce of the widow of Thomas Melville was a charge on the lands, which were in ward, until 1471, but when the heir-

ess entered to possession, the sums no longer appear in the official accounts. [Exchequer Rolls, vol. vii. pp. 254, 320, 403, 535, 628; vol. viii. p. 62.]

³ Vol. iii. of this work, pp. 46, 47.

⁴ Exchequer Rolls, vol. ix. p. 674.

⁵ Letter of bailiary, 24th May 1471, in possession of the Earl of Glasgow.

⁶ 29th July 1473. *Acta Auditorum*, p. 24.

age of Agnes Melville's heir. The reasons were, first, that Robert Ross had his late wife's lands only by special privilege of the courtesy of Scotland, which was granted only "to the persons that maryis a maydin and feis the land," and should not be extended to any other person but that one; secondly, that such person has only the use of the lands, and no real possession or sasine, and, therefore, Robert Ross had no fee or real possession over the lands in question.¹

JOHN ROSS, son of Agnes Melville of that ilk, was retoured heir to his mother in the barony of Melville on 16th May 1496, although he was apparently in possession of the estate in 1490.² That retour and the other writs cited prove the inaccuracy of the hitherto accepted genealogies of the family of Ross, Lord Ross. Some peerage-writers state that the heiress of Melville married Sir John Ross of Halkhead, knight, who lived in the years 1392 and 1397, and also that their son, Sir John Ross, received a charter of the barony of Melville as early as the year 1401. Both these statements are entirely erroneous. Sir John Ross, the alleged husband of the heiress, and Sir John Ross, her alleged son, were respectively the great-great-grandfather and great-grandfather of Robert Ross, her husband, who was eldest son of Sir John Ross of Halkhead, but who predeceased his father. Sir John Ross, afterwards first Lord Ross, whom these peerage-writers divide into two persons, flourished as early as the year 1449, and till between 1490 and 1500, and was succeeded by his grandson, also Sir John Ross, the son of Agnes Melville, who was the second Lord Ross, and was killed at Flodden on 9th September 1513. The baronies of Melville, Halkhead, and others, were inherited by his male descendants, some of whom took the title of Lord Ross of Melville and Halkhead, until the death, in 1754, of William, fourteenth Lord Ross, unmarried. His sister, the Honourable Elizabeth Ross, having married on 11th June of the following year, John, third Earl of Glasgow, direct ancestor of George Frederick Boyle, now Earl of Glasgow, and Baron Ross of Halkhead, in the peerage of the United Kingdom, his lordship is the representative in the female line of the two ancient houses of Melville of Melville and Ross of Halkhead.

¹ 16th October 1478. Acta Dominorum Concilii, p. 13.

² Original retours in possession of the Earl of Glasgow. Cf. Registrum Magni Sigilli,

vol. ii. No. 1973, under date 27th September 1490. According to an entry in the Liber responsionum [Exchequer Rolls, vol. ix. p. 680], a John Ross was infeft in part of Grieston in 1479.

THE MELVILLES OF RAITH IN FIFE.

I.—JOHN MELVILLE, FIRST OF RAITH, 1400-*c.* 1427.

Just about the time that the direct male line of the old family of the lords of Melville in Midlothian became extinct, one of the cadet branches of the house was taking root on the northern shore of the Firth of Forth, at Raith, near Kirkcaldy, in the county of Fife. In this family of Melville of Raith the race of the Melvilles was again to flourish, and to rise to nobler rank than it had formerly enjoyed.

In the year 1575 John Melville, the then laird of Raith, prepared the following short pedigree of his family, or, as he worded it,—

“The Genologie of the Hows of the Rayth rakenit be Jhone Maluill present in the lxxv yeir of God, sa far as he cowld rakin of his predisessouris, howbeit the hows was mekyll alder of a lang time. This Jhone was the last of vi.”

“Schir Stein Maluill married the lord of Lornes dowghter, quhais sone was Schir John Maluill, quha married the laird of Balueries dowghter; of quhom was begottin William Maluill, quha married the Erll of Mortouns brother dowghter, quha was laird of Langniddrie, quhilk William Maluill married after ane wther wyf also, quha was dowghter to Schir Robert Lundy, laird of Balgony, treasurer for the tyme, wpon quhom he begat sonnes and dowghters; bot of his first wyf he begat ane sone, Johne Maluill, quhilk Jhone Maluill of Rayth married the laird of Rosseis dowghter, wpon quhom he begat Schir Johne Maluill, quha married the laird of Wemys dowghter of that ilk, wpon quhom he begat sonnes and dowghters, bot the sonnes thair of decesit. And the said Schir Jhone married agane, ane wther wyf callit Dame Elene Nepar, quha was the laird of Mercamstons brother dowghter, and hir mother the laird of Craigmillers dowghter, wpon quhom the said Schir Jhone Maluill begat ix sonnes and twa dowghters. Thair eldest sone, Jhone Maluill foirsaid, succedit to the landis of the Rayth. And the said Jhone Maluill married the laird of Lundeis of that ilk dowghter in the lxiij yeir of God, wpon quhom he begat ane sone callit Jhone Maluill, and twa dowghteris; quhais first wyf also decesit, and the said Jhone married agane to his secund wyf ane dowghter of the laird of Rosseis callit Margrat Bonar, wpon quhom he begat thre dowghters and ane sone callit Thomas Maluill. [Quhilk

Jhone Maluill married agane the laird of Segy his dovghtir, vpon quhom he begat ane sone callit James Maluill, and thre dovghtir, quhilk James and his ayris suld brvik the toun and landis of Feddinche.”]¹

The earlier portion of this pedigree is, of course, purely traditional, and, in common with most of such traditional accounts of families, is confused and inaccurate in its chronology and relationships, though the persons named may actually have existed. In regard to his own family connections and those of his father, grandfather, great-grandfather, and even great-great-grandfather, the writer, as may be supposed, speaks of what is matter of personal knowledge, either of himself or of those living in his day. But the earlier generations, being by that time beyond the memory even of second parties, were practically lost. A tradition remained that the writer was the sixth generation of his family who had been lairds of Raith; and in this he was correct. But who the first laird was, tradition alone could tell, and it pronounced his name to have been Sir Stephen. We know, however, from authentic writs, that the name of the first known Melville, laird of Raith, was John, whose son really acted the part ascribed to the son of Sir Stephen, by marrying the daughter of William Scott, laird of Balwearie, an estate adjacent to Raith.

In another pedigree of the family, without date, but written in a hand contemporary with the preceding, the descent of the Raith family is also deduced from Sir Stephen Melville, who, however, is placed a generation further back, and a son John given to him, whose son, also named John, married the laird of Balwearie's daughter. This pedigree is as follows:—

“The genologie of the hovs of the Raith sa far as is rememberit, hovbeit our surname cam out of Hungare as freyndis to Quene Margrat, King Malcum Canmoris vyf, quhilk vas in the yeir of God I^m ane hunder and xxviii yeiris.

“At quhilk tyme thre brether of the Maluils cam in Scotland. The eldest brother vas Lord Maluill of that ilk. The scund brother gat the landis and leving of Raith. The thryd brother gat the landis of Glenbarve in the Mernis, out of the quhilk is cum the hovs of Dysert in Angus, and the Maluils therof; bot the surname is decayit in Glenbarve be dovghters, and alsua the Lord Maluils hovs. And the laird of Carnbe vas ane scund sone of the Lord Maluils.

“The eldest of the hovs of the Raith in mannis memore vas Schir Stein Maluill, quha begat Johne Maluill. This Jhone Maluill mareit the lord of

¹ Original in Melville Charter-chest. The part in brackets is added in a later hand.

Lornes dovghter, vpon quhom he begat Schir Jhone Maluill, that vas callit Schir Jhone with the blak butis. This Schir Jhone mareit the laird of Balueries dovghter that vas callit Dame Margere Scot. In this Schir Jhonis tyme the Quene for the tyme biggit Ravynshevgh Castell. And this Schir Jhone begat on his wyf Villiam Maluill.”¹

These pedigrees prove the persistent tradition in the family of the Melvilles of Raith that the founder of their branch of the family was a Stephen Melville ; and although no trace of the existence of a Stephen Melville at the date ascribed to him by this tradition can be found, there is authentic evidence that a Stephen Melville actually flourished a few generations earlier, and had relations with the family of the lords of Melville. Between the years 1233 and 1249 Stephen Melville was a witness, along with William Melville and others, to a charter affecting Kilbucho, in Peeblesshire,² and about the same date he was also witness to the charters granted by William Lysurs, laird of Gorton, to Thomas of Haddington or Temple, son of William, lord of Melville, and to his three daughters, as related on a previous page.³ In addition to this he received a grant of these lands and others, from William Lysurs to himself in feufarm.⁴ No relationship to the lords of Melville is anywhere adverted to in these documents, but his association with them, and the interest manifested in acquiring the lands held by members of that family, render it highly probable that Stephen Melville was himself a son of the house. If so, his position in the pedigree is probably that of a younger son of Sir Richard Melville, lord of Melville, sheriff of Linlithgow, and thus a brother of William, lord of Melville, and an uncle of Thomas of Haddington.

In some of these charters Stephen Melville is designated a clerk, but this is evidently a lay-clerkship, as he left a son, Walter Melville, who inherited these lands acquired by his father, and disposed them shortly afterwards to Sir William of St. Clair.⁵ Whether Walter Melville left issue is not clearly ascertainable from extant sources. But if the tradition of the descent from Stephen is authentic, Walter may have been the father of John Melville,

¹ Original in Melville Charter-chest.

³ Pp. 12, 13, *supra*.

² Registrum Glasguense, vol. i. p. 128.

⁴ Registrum de Neubottle, pp. 303, 304.

⁵ *Ibid.* pp. 304, 305.

who lived in the time of King Robert the Bruce, and resigned in his hands his lands of Caproneston, in the county of Peebles, in favour of his son, Walter Melville, and Margaret, daughter of John Ayr, his spouse. Walter Melville also surrendered these lands in the hands of the same king for a regrant in favour of himself and his spouse and their issue and other heirs, which was confirmed on 5th July 1365 by King David the Second, after the deaths of John and Walter Melville.¹ By this charter it appears that Walter Melville and Margaret Ayr left issue, and they may have been the immediate progenitors of the first known and authenticated laird of Raith. But this cannot be verified from any available sources.

Whatever the descent of the subject of this memoir, John Melville appears on record as laird of Raith about 1400, and is the first of his family who is found in possession of that territory. The lands of Raith belonged, as appears from later writs, to the abbey of Dunfermline, as superiors, but the extant register of their possessions contains no record of Raith or its occupiers until the year 1474, when a charter was given to William Melville of Raith upon his own resignation, and the chief source of information is thus silent on the subject.

John Melville of Raith is first named in a charter granted to him by William Scott, laird of Balwearie, of the lands of Pitscottie, with a third part of the lands of Callange. The document is not dated, but from the names of the witnesses it may be assigned to the year 1400,² and the grant of Pitscottie was confirmed by Robert, Duke of Albany, as Earl of Fife, in August 1411.³ The laird of Balwearie, in his charter, states that John Melville's predecessors had held the lands of his predecessors in fee and heritage, but this does not prove conclusively that Melville acquired the lands by inheritance.

The next reference to John Melville of Raith is in a charter to his son John, who, in 1412, on his marriage with Marjory Scott of Balwearie, received the lands of Dura from his father-in-law.⁴ The elder laird, however, was

¹ *Registrum Magni Sigilli*, vol. i. p. 53, No. 160.

² Vol. iii. of this work, p. 17. The want of a date gives rise to a curious argument in one of the old ms. pedigrees of the family, where the writ is claimed to be about 475 years old, or about 1215, because it is said to

be "before dates."

³ Vol. iii. of this work, p. 18, 3d August 1411.

⁴ *Ibid.* pp. 18, 19, 31st May 1412. [The seal of this laird of Raith, attached to the charter to his son in 1412, bears a bend, fess-wise between three crescents, two and one.]

probably dead before 1427, as it appears to have been his son who in that year entered into an agreement with Sir John Wemyss as to a mill-dam from Loch Gelly to Melville's mill of Pitconmark.¹

According to the MS. pedigrees of the family this laird of Rath married a daughter of Stewart of Lorn, but as to this no evidence has been found. He was succeeded by his son, Sir John Melville, of whom a notice follows.



II.—SIR JOHN MELVILLE, SECOND OF RATH, *c.* 1427-*c.* 1463.

MARJORY SCOTT (BALWEARIE), HIS WIFE.

John Melville, the second laird of Rath who has been found on record, is first named in a charter in 1412 to him and his intended spouse, Marjory Scott of Balwearie. He is there described as "Jone the Malvyle, the sone and the ayre of Jone the Malvyle, lord of the Rath," and his proposed father-in-law, William Scott of Balwearie, grants to him and his future wife the lands of "Durachmure" or Dura, in the parish of Kemback, Fifeshire. The lands, however, were burdened with a duty of a chalder of meal, or twenty shillings in money, to be paid yearly to the church of "Andirstoun" or St. Andrews. Melville and his wife, and their heirs, were to hold the lands in ward and relief of the granter, a further stipulation being that the property was to remain with the receivers, until the payment by the granter or his heirs of the sum of £20 Scots. The seals of the granter and the elder laird of Rath are still appended to the writ which was dated at Balwearie.²

¹ Original, dated 12th June 1427, in Wemyss Charter-chest.

² Charter, dated 31st May 1412. Vol. iii. of this work, pp. 18, 19.

It was probably this laird of Raith who, in 1427, entered into an agreement with Sir John Wemyss of Reres, a neighbouring proprietor, as to a mill-lade for bringing water from Loch Gelly through Sir John's lands there to Melville's mill of Pitconmark. From the terms of the agreement it would appear that there had been no mill-lade previously, the making of it being provided for at the point most suitable for the mill. Sir John Wemyss and his son David gave permission that Melville should have free issue of water and a sufficient lade from Loch Gelly, passing through their lands of Powgild and others, descending towards his mill made on his own lands of Pitconmark. John Melville and his heirs were to have power to make and uphold the lade and to enclose the water upon Sir John's lands and draw the water therefrom, without any hindrance, both parties binding themselves loyally to preserve the privilege for ever. In return for their concessions, Sir John Wemyss, his heirs, and tenants on the adjoining lands, were to receive special relaxations and favours in the grinding of their corn at the mill in question, which appears to have been that afterwards named Shaw's mill, and still so designated, situated on a small stream which issuing from Loch Gelly flows eastward past the mill, through Cardenden and falls into the river Ore.¹

The next reference which has been found to this laird of Raith is in the year 1454, when he appears to have received the rank of knighthood, as he is described in a writ of that date as Sir John Melville, knight.² He appears to have died before August 1463.

By his wife, Marjory Scott, Sir John Melville had at least two children :

1. William, who succeeded his father, and of whom a short notice follows.
2. Elizabeth, who married, before 24th June 1436, David Boswell of Balgregie, afterwards of Balmuto, who, on that date, granted a discharge to his father-in-law for 100 merks of tocher.³ David Boswell, their son and heir, received, in 1458, on his father's resignation, a charter of Glassmonth, Balmuto, and others, reserving the liferent and terce of his father and mother.⁴

¹ Original agreement, dated at Dysart 12th June 1427, in Wemyss Charter-chest.

² Vol. iii. of this work, pp. 22, 23.

³ *Ibid.* 24th June 1436, transcript for Sir John Melville, 24th July 1454.

⁴ 4th November 1458. Registrum Magni Sigilli, vol. ii. No. 638.

III.—WILLIAM MELVILLE OF RAITH, *c.* 1463-1502.

MARGARET DOUGLAS (LONGNIDDRY), HIS FIRST WIFE.

EUPHAME LUNDIE (BALGONIE), HIS SECOND WIFE.

William Melville first appears on record as witness to a charter dated in August 1463, and as he is designed William Melville of Raith, he must have succeeded his father before that date.¹ In 1474 he resigned his lands of Raith into the hands of his superior, Henry, abbot of Dunfermline, and received from him a charter to himself and his heirs without limitation. The yearly rental of the lands was fixed at £5 Scots, and in addition ward and relief with other duties were exigible. The chief restrictions upon Melville as vassal were in regard to his mill. Neither he nor his heirs in any time to come were to receive knowingly, either by themselves or their servants, to their mill for grinding corn, those who lived on lands properly belonging of right to St. Margaret, that is, to the abbey. Further, Melville and his heirs were not to build any mill for grinding corn except on the land of Pitcommark; and if they contravened these restrictions, the abbot claimed power to resume that mill with its multures, and apply it to the use of the abbey. Infertment followed on this charter, in the usual form.²

In January 1480, this laird of Raith was one of five arbiters who decided a question between John Menteith and Robert Stewart as to the restoration of certain goods to the lands of Schanbothy, the decision being afterwards enforced by the lords of council.³ At a later date, the laird himself submitted to arbitration in regard to disputes with his oldest son, John Melville, and indeed it is chiefly in connection with such that any notices of the laird appear on record. In this case, he and his son appeared before the lords of council, and bound themselves to accept the verdict of the Earl of Argyll,

¹ Charter by George Abernethy of Balgaly Wester, of an annual rent therefrom to John Boswell of Bowhill, 2d August 1463. [The Douglas Book, by Sir William Fraser, K.C.B.,

vol. iii. p. 95.]

² Vol. iii. of this work, pp. 47-49, 26th May 1474.

³ Acta Dominorum Concilii, p. 69.

then chancellor, the Earl of Bothwell and Lord Home, for "a gude way" to be found between the father and son as to the questions between them—especially that the elder laird should not alienate his lands, nor any part of them, from his son.¹

As will be shown in the next memoir, the laird's eldest son, John, married Janet Bonar, of the family of Bonar of Rossie, and it was probably on this account that the laird, in 1490, appears as tutor to John Bonar, the young laird of Rossie, whose father, James Bonar, had deceased before that date. As a result of this relationship, the laird found himself and his ward compelled to pay various sums of money, in one case 140 merks, liabilities incurred by his ward's father.²

The questions which the laird and his son were to submit to arbitration, as already noted, are not clearly defined, but, probably in terms of an award, the laird appears to have entered into an obligation to resign his lands to his eldest son, and also to deliver certain goods, as corn, horses, sheep, gold and silver money, amounting to £1000 Scots. This obligation was so far carried out by a resignation of the lands in the hands of the superior, Adam, abbot of Dunfermline, who granted a precept for infefting the younger Melville, which was followed by sasine.³ Very shortly afterwards, however, the laird violated his bond, and the son then brought an action against his father before the lords of council. He accused his father of wrongfully revoking the procuratory granted for resigning the lands of Raith, Pitconmark, Torbain, Pitscottie, and Dura, in favour of his eldest son, and, instead thereof, infefting a younger son, William Melville, in part of the lands. The younger Melville further required that his father should be adjudged to make over the frank-tenement in his favour, and also to pay the money prescribed in the obligation. The counsel for the laird, on the other hand, challenged the authenticity of the instrument produced, narrating the obligation and alleged it to be false. The pleadings on the first day having been concluded, an adjournment was made to another day for the purpose of examining the notary who prepared the writ, and other witnesses.

¹ *Acta Dominorum Concilii*, p. 154, 22d October 1490.

² *Ibid.* pp. 157, 158, 25th October 1490.

³ Date of Resignation and Precept, 2d November 1490, narrated in Instrument of Sasine, 4th November 1490, in Melville Charter-chest.

Two days later, when the evidence had been heard, the lords declared the document founded on by the pursuer to be valid, and, as the laird's counsel admitted that alienation of part of the lands had been made, it was decided that the laird should fulfil in their entirety the conditions of his bond. The amount of the moveable goods to be delivered was also determined by a formal decree.¹ The matter was concluded in the following May by the laird making another and formal resignation in favour of his son John, of the frank-tenement of all his lands. These included Raith, Pitconmark, Torbain, Pitscottie, Dura, and Feddinch, with annual-rents from the lands of Strathendry, and the burghs of Dysart and Kirkcaldy. The transfer was effected by the laird delivering a straw to his son as a symbol of real possession of the lands, moveables, and annual-rents. The laird further constituted his son his assignee to the leases of Easter Balbarton and mill, and of Powgild and Dundonald. He then, upon oath, declared, and with a loud voice explained, that he never made or ordered to make any charters or evidents of the lands named to any person, his first-born son excepted, and if such writs were made that he was unwitting, nor did he make or know of them. This closed the transaction, which took place within the parish church of Kirkcaldy.²

While this question affecting the lands was thus settled for the time, it re-appeared two years later under a somewhat different form. The laird of Raith was naturally desirous of providing his younger sons, William and Andrew Melville, to some portion of his property, but in this he was apparently opposed by his eldest son. The laird, however, seems to have bestowed the lands of Pitscottie and Dura on his second son, William Melville, a proceeding which involved a law plea with his feudal superior in the lands, Mr. William Scott of Flawcraig, who alleged that they were alienated without his confirmation, and protested that his interests should not suffer. In reply, Melville admitted that he was a free tenant of the lands in question under William Scott of Balwearie, until the latter gave the fee of his lands to Mr. William Scott, his son. The lands were

¹ *Acta Dominorum Concilii*, pp. 169, 170, 172. 12th and 14th February and 7th March 1490-91.

² On 20th May 1491. Vol. iii. of this work, pp. 50, 51.

then held from the younger Scott, until alienated to the laird's son, as stated.¹

What objection the younger laird of Raith took to the provision for his brothers does not appear. But, in June 1493, a compromise was effected between them and the elder Melville, with his sons, William and Andrew, on one side, and the younger laird on the other, they binding themselves to obey any award which should be made by arbitration. The arbiters were John, Lord Glamis, John, prior of St. Andrews, and Henry, abbot of Cambuskenneth, and the question for their decision had regard to the ejection and eviction of Andrew Melville from the leases and rents of the lands of Raith, Pitconmark, and Torbain, and the taking from him of thirty-six score of sheep, and other goods. The award of the arbiters, which was to be given within a week, is not recorded, but it is evident that the younger laird of Raith had objected to his brother's possession of the lands from whatever source derived.²

The laird of Raith's eldest son died within the year after the date referred to, but litigation continued with his widow, Janet Bonar. The laird accused his daughter-in-law of withholding from him the house and place of the Raith, and the lands of the Mains of Raith and Torbain, and further of ejecting him from the same. The cause was debated in presence of the king, who, with the council, decided against the laird in respect he had resigned the lands and the frank-tenement in favour of his son.³

The last reference which has been found to this laird of Raith is in February 1498, when he was one of the parties to a marriage-contract between his daughter, Elspet or Elizabeth Melville, and John Gourlay, younger of Lamlethan. The other parties were the laird's wife, Euphame Lundie, and William Melville, their son, on the one side, and John Gourlay, elder of Lamlethan, on the other side. The laird, his wife, and son, undertook to pay two hundred merks as dowry, and, in security of this sum, Elspet Melville and her husband were to receive a lease of the lands of Feddinch for thirteen years at a yearly rental of thirty-six merks, half of which was to be remitted each year

¹ *Acta Dominorum Concilii*, p. 269. 23d January 1492-3.

² *Acta Auditorum*, p. 176, 13th June 1493.

³ *Acta Dominorum Concilii*, p. 339, 25th June 1494.

until the two hundred merks were paid. The laird and his family were also to maintain his daughter honourably in food and clothing until a crop should be obtained from the lands of Feddinch. On the other hand, the younger Gourlay was to find security for payment of the rent of Feddinch, while the elder Gourlay was to infest his son and spouse in the lands of Cargour, and also, if necessary, to pay for a dispensation from the Pope on account of relationship, under a penalty of two hundred merks.¹

The laird died within a year or two after the date of this contract, although the actual date of his decease cannot be ascertained. He was probably dead before 29th October 1502, when his grandson, Sir John Melville, was retoured heir of his father, the deceased John Melville, in the lands of Raith and others.²

William Melville is said to have married twice, the name of his first wife being given as Margaret Douglas, daughter of the laird of Longniddry, but though no evidence has been discovered of such marriage, it is not improbable from the litigations which took place between this laird and his eldest son that the latter was born of a previous marriage. The only wife of this laird of whom there is any record, is Euphemia Lundie, who was the mother of most of his children. She survived her husband. A year or more after his decease we find her engaged in a dispute with the heir in possession, John Melville, her husband's grandson, about the payment of her terce. The matter, which at first had been referred to arbiters, was finally submitted to the judgment of the lords of council, who decided that she was entitled to her whole terce of the lands of Raith, Pitconmark, and Torbain, besides the lands of Feddinch, also held by her. But with consent of both parties it was determined that John Melville should pay to Euphemia Lundie £20 Scots yearly in lieu of all third or terce she might claim from the lands of Raith and others, excepting Feddinch, which she then had. The sum was to be paid by half-yearly instalments of £10 each, the lady in return giving up and renouncing all contracts or other writs by which she might claim, and discharging all such in future.³ Two years after this decree, Euphemia

¹ Vol. iii. of this work, pp. 51-53, 28th February 1497-8.

² *Ibid.* pp. 53, 54.

³ Decree, dated 23d March 1503-4, Robertson's Records of Parliament, pp. 500, 501.

Lundie, in addition to the usual discharge for her terce, granted to John, now Sir John Melville, a lease of her lands of Feddinch for five years immediately following the expiry of Gourlay's tenancy already referred to. In return for this lease and for other considerations, Sir John Melville obliged himself to cause his mother, Janet Bonar, acquit Euphemia Lundie and her sons, David and Andrew Melville, of the goods taken by them from the house of the Raith and elsewhere, during their occupation.¹

This laird of Raith had issue four sons, and perhaps two daughters. The sons were—

1. John Melville, younger of Raith, of whom a short notice follows.
2. William Melville, who appears frequently in the legal transactions between his father and elder brother. He was, apparently, provided by his father in the lands of Pitscottie and Dura, and, in 1493, he and several others were defenders in an action of spoliation at the instance of various tenants of these lands, when they were decerned to restore to each tenant pursuing, the number of sheep, or the horse or cow stolen, or their value.² The reason of the spoliation is not stated. William Melville was one of the parties to his sister Elizabeth's marriage-contract in 1498; he seems to have survived until the year 1513, but nothing further has been ascertained regarding him.
3. Andrew Melville, who is also referred to in connection with the litigation between his father and brother, and who was ejected by his eldest brother from possession of the lands of Raith. At a later date, in 1506, as already noted, he, with his brother David and their mother, Euphemia Lundie, were still subject to a claim from the proprietrix of Raith for goods taken by them when in occupation. He settled in Leith, as appears from a discharge which he granted to his nephew for £40, a sum decreed to him by arbiters as a composition for a yearly payment of ten merks due to him for twenty-two years past. The discharge is dated in March 1516,³ and nothing further has been discovered regarding this Andrew Melville.
4. David Melville, who is named along with his brother Andrew in a discharge granted by their mother to Sir John Melville, as already stated, but no further reference to him has been found.

¹ Vol. iii. of this work, p. 55, 20th April 1506.

² *Acta Dominorum Concilii*, p. 280, 11th February 1492-3.

³ Vol. iii. of this work, p. 60, 22d March 1515-6.

The daughters were—

1. Elspeth or Elizabeth, who, on 28th February 1498, was contracted in marriage to John Gourlay, younger of Lamlethan. The terms of the contract have already been narrated.
2. Margaret, who is stated by the family pedigrees to have married James Bonar of Rossie. No evidence of this has been found among the family papers, save that James Bonar's son, John, was a ward of William Melville.

IV.—JOHN MELVILLE, YOUNGER OF RAITH. D. 1494.

JANET BONAR (OF ROSSIE), HIS WIFE.

John Melville was the son and apparent heir of William Melville, but predeceased his father, leaving a son, John, who succeeded to the family estates. Much of the history of this John Melville, younger of Raith, has already been told in the preceding memoir, as he and his father were so constantly engaged in litigation with each other that the same narrative must relate to both. The elder Melville, as previously related, resigned his lands in favour of his son,¹ and was compelled by a decree of the lords of council to deliver up various goods and victuals. The value of these was fixed as follows:—Thirteen chalders of oats which were in the Raith, at 4s. the boll; twelve bolls of wheat, at 10s. the boll; forty bolls of bear, at 6s. the boll; thirty-one oxen in the Raith, valued at two merks each; five chalders of oats, at 4s. the boll; and ten bolls of bear, at 6s. 5d. the boll; eight oxen, which were in Balbarton, each worth two merks; two horses, each 40s.; nine cows, each two merks; seven stirks, each 6s. 8d.; two young cattle ("nolt"), each 10s.; twelve score ewes, each 5s.; ten score of old sheep, each 4s.; seven score of hoggs, each 2s. 6d.; five chalders of farm rent, which was owing to the said laird of Raith, the price of each boll being 6s. 8d.; all which were proved to be in the elder laird's possession on 14th February 1491. Besides the above, he was also to deliver over such moveable goods as were in his hands, in terms of the decree.²

¹ John Melville, younger of Raith, was infeft in the lands on November 1490. Ori- ginal sasine in Melville Charter-chest.

² 7th March 1490-91, Acta Dominorum Concilii, p. 172.

Shortly after this a claim was preferred against John Melville himself by James Richardson, a burgess of Edinburgh, for £70. This amount was owing to Richardson by Thomas Moultray, from whom Melville had been empowered by the king's letters to collect it. Melville declared that he apprised Moultray's goods to the value of £48, which he had delivered to Richardson's agent, who in turn asserted that he had paid the money to his principal.¹

As narrated in the previous memoir, John Melville received a final resignation of the lands of Raith and others from his father in May 1491, and occupied them until his death, about the year 1494. In June of that year his widow, Janet Bonar, brought an action against Mr. William Scott of Flaweraig, the feudal superior of Pitscottie and other lands, for wrongfully putting her forth from the lease of Easter Balbarton. She further charged him with spoliation of certain goods of hers, and withholding an ox from amongst them; also with vexing and troubling her and her tenants in her third of Pitscottie and Dura, and taking the tenants' goods and rents thereof. Scott, in his defence, alleged that the Earl of Morton was his guarantee as to the lands of Balbarton, who was summoned to appear. As for Pitscottie and Dura, the king's sheriffs were directed to defend the pursuer in such possession of these lands as she and her husband had, while justice was to be done in regard to the goods spoiled. When the case again came before the Court, Mr. William Scott admitted that there was a "sasine ox" taken from the pursuer out of the lands of East Balbarton since Whitsunday, by which it was understood that the pursuer was in possession of the lease of the farm in question, and she was formally secured in her rights.²

Besides the foregoing action, Janet Bonar also suffered annoyance from her father-in-law, who declared that she wrongfully detained and withheld from him the house of Raith, with the lands of the Mains of Raith and of Torbain. In this case, however, the lords of council at once decided in her favour, on account of her rights of terce, and because her husband, the late

¹ *Acta Dominorum Concilii*, pp. 189, 229, 22d March 1490-91. The proceedings against Moultray on this occasion may have led to the quarrel in which he was slain by John Melville, or his servants. The particulars

of the tragedy are not known, but the consequences will be treated of in the next memoir.

² 14th June and 3d July 1494, *Acta Dominorum Concilii*, pp. 324, 325, 352, 353.

John Melville, was the last person infeft in the lands, while, as already stated, he was also in possession of the frank-tenement.¹

Towards the close of the same year, 1494, Janet Bonar had again to defend her own and her late husband's rights. Two tenants of the lands of Dunbulg or Dunbog complained against her and John Ogilvy of Inverquharity for wrongfully despoiling them of certain cattle and horses, and exacting double rent. In defence, Janet Bonar claimed right to the rent in terms of an assignation dated 9th January 1489, in favour of her husband, John Melville, and herself, made by Christian Balfour, widow of the deceased William Bonar of Rossie. Ogilvy of Inverquharity, on his part, claimed the rents as bailie to the same Christian, in terms of a letter of bailiary from her which he produced, while he challenged the authenticity of the assignation. Evidence was led, and as the tenants themselves admitted that they had received their leases from John Melville, the lords of council fixed a day for production of these writs, and also of any evidence to be adduced by Ogilvy. Meanwhile they, without prejudice to either party, directed him to restore the goods and grain taken by him from the complainers, and also ordered that Janet Bonar or Melville should remain in such possession of the rents as she and her spouse formerly had, in which she was probably allowed to continue, as no further record of the case has been found.²

How long Janet Bonar survived her husband has not been ascertained. She was alive in 1506, when she was asked to discharge her brothers-in-law of her claims against them for spoliation, as referred to in a previous memoir.³

John Melville, younger of Raith, and Janet Bonar, his wife, had two sons—

1. John, who succeeded his father and grandfather in the family estate, and of whom a memoir follows.
2. David, of whom nothing is known beyond the fact that he became a burgess of Edinburgh, and left a son, Walter.

¹ *Acta Dominorum Concilii*, p. 339, 26th June 1494.

² *Acta Auditorum*, p. 202, 13th December 1494.

³ Vol. iii. of this work, p. 55 ; p. 34 of this vol.

V.—SIR JOHN MELVILLE OF RAITH, 1502-1548.

MARGARET WEMYSS, HIS FIRST WIFE.

HELEN NAPIER, HIS SECOND WIFE.

As stated in the preceding pages, William Melville of Raith was succeeded in his estates, not by his eldest son, who predeceased him, but by his grandson, John Melville, who forms the subject of this memoir. The exact date of John Melville's succession has not been ascertained, but he was retoured heir to his father in the lands of Raith, Pitconmark and Torbain, in October 1502, when his grandfather was probably dead, and was infeft in the lands in the following November.¹ Shortly after obtaining possession of his estates he married Margaret Wemyss, daughter of Sir John Wemyss of Wemyss, who granted to his son-in-law a portion of his barony of Methil in warrandice of the lands of Wester Raith, which were the bride's dowry.²

The next reference to the laird of Raith, three years later, shows that in the interval he had received the rank of knighthood, though there is no evidence to show the precise date or circumstances when this honour was conferred. Not improbably it was bestowed amid the festivities attendant on the marriage of King James the Fourth with the Princess Margaret of England, which took place on 11th August 1503, when various titles and dignities were distributed. Sir John Melville is described as a knight in the year 1506, when he and his grandfather's widow, Euphemia Lundie, entered into an arrangement, already noted in the previous memoirs, as to the payment of her terce, the lease of Feddinch to Sir John, and other matters in which Sir John's mother also had an interest.³

During the next few years the notices of Sir John Melville chiefly refer to land transactions. The first of these on record, however, presents some peculiarities, illustrative of the turbulent state of Scottish society. It would appear that some years previously, Sir John's father, by himself or his servants, had caused the death of a neighbouring laird, Thomas Moultray of

¹ Retour, 29th October 1502; Sasine, 24th November 1502; vol. iii. of this work, p. 53; cf. p. 114.

in Methil, 28th July 1503, *ibid.* p. 54.

³ Vol. iii. of this work, p. 55. 20th April

² Precept for infeftment of John Melville 1506; p. 34 of this vol.

Markinch. This event, which took place in or near Moultray's own house of Seafield, situated on the north side of the Forth, between Kirkcaldy and Kinghorn, led to one of these family feuds so common in Scotland, where the relatives and kin of both parties took up the quarrel, and, as in this case, carried on a series of mutual annoyances and plots to assassinate the principals. The abbot of Dunfermline, however (then James Beaton, afterwards archbishop of Glasgow and St. Andrews), who relates the circumstances, determined to act as peacemaker, because the death of Moultray had been brought about, not by direct malice, but by instigation and persuasion of wicked men. His efforts so far succeeded with the young laird of Raith, that for the sake of concord he resigned in the hands of the abbot, who was also his feudal superior, the sum of twelve merks, to be uplifted yearly from his lands of Raith and others, and expended in masses for the soul of the slain Moultray. This money the abbot, by a formal charter, bestowed upon John Moultray, the son and heir of the deceased, with full permission to expend it upon a chaplain who should celebrate a yearly mass in a fitting place.¹ Thus, according to the abbot, the feud was composed for the time, but, as will be shown on a later page, it was renewed some years afterwards with greater intensity than before.

In August 1507, Sir John Melville received a Crown precept directed to the bailies of Dysart, to complete his title to an annualrent due from certain houses in that burgh, of twenty-two shillings yearly, part of his inheritance from his grandfather, William Melville.² Sir John also, about this time, or a little later, became bound in the sum of two hundred merks to Sir William Scott of Balwearie, who granted in return an obligation, discharging payment of the sum should he fail in the keeping of "favour and kindness" to Melville.³ This, however, did not prevent him, some years later, putting an arrestment in force against the crops of Sir John Melville for the amount of the debt, until Sir John found security for its payment.⁴

In May 1512, a question which had arisen between Sir John Melville and his neighbour, the laird of Carden, as to the marches of their respective pro-

¹ Charter, 6th February 1506-7, by the abbot of Dunfermline to John Moultray of Markinch, in Melville Charter-chest. this work, p. 56.

³ 6th February 1509-10, *ibid.*

² Precept, 6th August 1507, vol. iii. of

⁴ 6th March 1516-7, *ibid.* p. 60.

perties, was brought before a justiciary court held for the purpose upon the ground in dispute. The justices were Sir David Wemyss of Wemyss, Sir Peter Crichton, and Alexander Inglis of Tarvit. Perambulation of the lands was made and a number of witnesses were examined, upon whose evidence a formal decision was given, defining the boundaries between Sir John Melville's lands of Torbain and the lands of Carden. Sir John made a protest that the judges should not proceed without seeing a charter defining the bounds, but apparently the decision was accepted by the parties.¹ Another transaction in which Sir John Melville took part at this period was the mortgage of a portion of his lands of Easter Pitscottie, which were granted to a burgess of Cupar, George Airth, and his wife.²

Sir John Melville is said by some writers to have attended King James the Fourth to Flodden, and to have been slain on that disastrous field. This, however, is disproved by the family papers, while they afford no indication as to whether Sir John was present at Flodden or not. The first reference to him after the date of the battle is in March 1516, when he received from his uncle, Andrew Melville, a discharge for a sum of money claimed by the latter to be due to him at the rate of ten merks yearly for the past twenty-two years. Sir John Melville appears to have disputed the claim, and the matter was decided by arbitration, the sum of £40, or sixty merks Scots, being paid as an equivalent of the whole amount of 220 merks.³

A few years later, Sir John Melville entered into a series of bonds of friendship and mutual service with neighbouring lairds. The most important of such obligations was one in which Sir John shared with no fewer than seventeen other Fifeshire gentlemen, the chief of whom were David Wemyss of Wemyss, James Lundie of Balgonie, William Forbes of Reres, and John Moultray of Markinch. They bound themselves to take true part with each other in all lawful disputes, and specially in defence of their persons and heritage, against every one excepting the king, the governor (John, Duke of Albany), their own immediate superiors and their overlords, and made provision for settling differences among themselves by mutual arbitration. The bond

¹ Decision and relative testimony, 21st May 1512, in Melville Charter-chest.

² Charter of sale, 6th June 1512, vol. iii. of this work, p. 57.

³ Discharge, 22d March 1515-6, vol. iii. of this work, p. 60.

is dated and signed at Scone on 13th February of the year 1521.¹ No public occasion is on record which could convene so many Fifeshire lairds so far from their own homes ; but they may have been there in attendance on Andrew Forman, an ambitious prelate, then archbishop of St. Andrews and legate in Scotland of the Roman See, who was the feudal superior of most of them. If not, they may have assembled for the special purpose of joining in this mutual bond of defence.

One cause of the meeting, it is highly probable, was the disturbed condition of Scotland at the time. John, Duke of Albany, who had in 1515 been appointed regent of Scotland, for some time ruled with vigour, but in June 1517 he returned to France, leaving the government in the hands of six regents, the Earls of Angus, Arran, Argyll, and Huntly, and the archbishops of St. Andrews and Glasgow. The chief result of this arrangement was that two of the regents, Angus and Arran, with their respective partisans, renewed their former struggles for supremacy, and the country came to be virtually at the mercy of the two contending factions. In such a state of affairs it was natural that the smaller barons, as in the present case, should band together for their common safety. Bonds of the kind were frequent at this time, though it was not usual for so many to combine together. There are, however, two instances of a similar nature at this very period. In July and August 1520, that family of the Kers who acknowledged the laird of Cessford as their chief, who had been adherents of Angus, deserted his party and made alliance with Arran, obliging themselves to him in terms similar to the Scone bond just mentioned ; while in January 1521, only a month before the meeting at Scone, the provost and magistrates of Edinburgh united in an obligation to support Arran in his maintenance of the king's authority, and in opposition to Angus.² The bond now entered into by Sir John Melville and his neighbours only differed in terms from those named, in that it did not bind the subscribers to join any particular faction, but might rather form a measure of defence against the aggression of either of the contending parties.

¹ Original bond, dated 13th February 1520-21, in the Wemyss Charter-chest.

² Original bonds, dated 10th July 1520,

and 19th January 1520-21, in the Hamilton Charter-chest. [Report of Historical MSS. Commission, No. XI. Part VI. pp. 32-34.]

Other writs of a similar tenor with which Sir John Melville was concerned, about the same date, were three bonds of manrent by as many neighbouring lairds, who looked to him for aid and protection, promising in their turn to aid him with their advice, and an armed force if necessary.¹

In course of time, however, Sir John Melville was drawn into the current of public affairs. In October 1526 he received the appointment of master of artillery for life,² but it is not clear how long he held the office. In December of the same year he joined John, Earl of Lennox, in his attempt to wrest King James the Fifth from the control of the Douglasses. The then archbishop of St. Andrews (James Beaton) was a keen opponent of the Earl of Angus, and it was no doubt as a vassal of that prelate that Sir John and his retainers took the field. Lennox mustered his army at Stirling, and marched towards Edinburgh, but, as is well known, his forces were totally routed near Linlithgow, and he himself was slain. The archbishop of St. Andrews was forced to take refuge in flight and disguise, and, according to a contemporary witness, "all the lords and lardes of the este and north parts" who had joined Lennox, were in the hands of the Earl of Angus and his brother, George Douglas, "to raunsom and fyne at there pleasyr."³ What penalty was inflicted on the laird of Raith is unknown, but in August of the following year, 1527, he received a remission for his offence of appearing in arms against the king, Angus being then chancellor of Scotland.⁴ Among those conjoined with Melville in this remission were his son-in-law, James Kirkcaldy of Grange, David Wemyss of Wemyss, and others. As an instance of the political changes of the period, it may be noted that, two years later, Sir John and his son-in-law received a remission for having had dealings with the Douglasses, then in exile.⁵

During the seven years succeeding 1526, while Sir John Melville was more than once engaged in public affairs, he was subjected, in his own neigh-

¹ Bonds of manrent, 2d January 1520, 9th July and 30th August 1522, by Robert Orrock, son of James Orrock of that ilk, Alexander Orrock of Silliebalbie, and David Boswell of Glasmonth. Vol. iii. of this work, pp. 51, 52.

² *Registrum Secreti Sigilli*, vol. vii. f. 29. The office was to be held as Henry, Lord Sin-

clair had held it in times bygone.

³ Letter, Sir Christopher Dacre to Lord Dacre, 2d December 1526; Pinkerton, vol. ii. p. 478.

⁴ 14th August 1527; vol. iii. of this work, p. 66.

⁵ 26th July 1529; *ibid.* p. 68; cf. also p. 67.

bourhood, to a series of active annoyances and assaults on the persons of himself and his friends. These were in a certain measure the consequences of the feud already referred to in which Sir John's father, the young laird of Raith, had killed Thomas Moultray of Seafield. The slain man's son, John Moultray of Markinch and Seafield, had carried on the feud, but by the interposition of James Beaton, then abbot of Dunfermline, the affair had been compounded in 1506. The families then, according to Sir John Melville's own statement, had remained on neighbourly and friendly terms for several years, and as already noted they joined together in the friendly bond at Scone in February 1521.

About that time, however, or at least previous to the death of Archbishop Forman, who died before May 1521,¹ John Moultray had attempted to interfere with Sir John Melville's possession of certain lands near Kinghorn, called the abthane of Kinghorn, now Abden. These lands apparently belonged to the abbey of Dunfermline, of which the archbishop was commendator, and were leased to an aunt of Sir John Melville, who assigned the lease to her nephew. Six years before the lease expired, Moultray granted a mortgage on his lands of Seafield, and offered the proceeds, 600 merks, to the archbishop, to take the lease from Sir John Melville, the result being that the latter, to retain possession, was forced to pay £300 Scots for renewal of his lease instead of £40 as before.²

This proceeding naturally aroused Sir John Melville's displeasure, but no open rupture then took place, though Moultray pursued a similar course with the family of Kirkcaldy of the Grange, who were related to Sir John. In the end of November 1526, however, Moultray's goods were escheated to the Crown for the crime of manslaughter, and when the messenger-at-arms appeared, with the officer of the Earl of Morton, feudal superior of the lands of Seafield, Moultray and his men deforced the messenger, and recovered the goods distrained.³ Either on this or a precisely similar occasion when the officers of the Earl of Morton exacted payment of a debt of £60 Scots adjudged

¹ Keith [Scottish Bishops, p. 35] states that Archbishop Forman died in 1522, but there is documentary evidence to show that the see of St. Andrews was vacant on 18th May 1521.

² Vol. iii. of this work, p. 70.

³ *Ibid.* p. 63.

to James Kirkcaldy of Grange, and apprised Moultray's goods, the latter resented the presence on his ground of Sir John Melville, James Kirkcaldy, and other neighbouring lairds, who, by the judge's order, accompanied the officers.¹

Moultray's first step in retaliation was a resort, not to force, but to the comminatory powers of the church, and a sentence of excommunication was pronounced by the principal Official of St. Andrews against Sir John Melville, James Kirkcaldy, and several other lairds of the neighbourhood. They appealed from this sentence, pleading first, that they had not been either cited or convicted; secondly, as to the charge of aiding the officers of the Earl of Morton, it was in the power of every competent judge to demand assistance in the execution of his decrees; thirdly, if it were alleged that the Official had issued to the appellants letters inhibiting the apprising of the grain, they denied receiving such, as it was only reported that they were to be excommunicated, and the final sentence was pronounced wholly unknown to them.²

The result of this appeal is not recorded, but very shortly after it was made, Moultray determined to take the law into his own hand, and on Ash Wednesday of the year 1527³ he, with his son and other accomplices, began the first of a series of hostile attacks upon Sir John Melville and his friends, which were repeated at intervals during the next few years. Unfortunately we have only Sir John's statement of the facts, but so far as that goes, it is graphic enough. There are two versions of the narrative, both intended for the perusal of the lords of session before whom the case ultimately came, the first being apparently a personal relation by Sir John, while the second is a more elaborate statement prepared by counsel. From these we learn that Sir John Melville and James Kirkcaldy of the Grange, accompanied only by their household servants, on their way to Edinburgh, passed through the town

¹ On 11th December 1526, James, Earl of Morton, obliged himself to defend and keep scatheless Sir John Melville in his dealings with the escheated goods of John Moultray, and states that he had directed Sir John to pass with his (the earl's) officers to take up the goods. This obligation was afterwards

enforced by a decree of the lords of council, dated 27th February 1528-9. [Decree, narrating obligation, in Melville Charter-chest.]

² Appeal, by Sir John Melville and others, 20th February 1526-7, vol. iii. of this work, pp. 64-66.

³ 6th March 1527.

of Kinghorn¹ on this particular Ash Wednesday. This being the first day of Lent they resolved to hear mass, and proceeded towards the parish church for that purpose. But ere they reached it, Moultray and his followers, who were within the sacred building, being advertised of Sir John's approach, rose hastily, and rushed out to the church gate, with drawn swords, and besetting the street, made a violent attack upon Melville and his friends, who wore no defensive armour, James Kirkcaldy being wounded in the fray.²

In the same year, probably about July, Sir John Melville, with his retainers, returning from the service of the king, who had made a raid upon the borderers, again passed through Kinghorn on his way homeward. On this occasion his companions were David Wemyss of Wemyss, and James Lundic of Balgonie, and the three lairds leaving their attendants, went quietly to the church "to do thair devotioun and heir mess, as gud Cristine men suld do." While thus engaged, the young laird of Seafield, who had observed their movements and the absence of their retainers, sent to his father's tower, about a mile to the east of Kinghorn, and mustered eight of his followers, clad in iron head-pieces and other armour of defence. When Sir John Melville and his companions left the church, therefore, they found themselves confronted by these men drawn up in battle array, of whom four singled out Sir John, and attacked him in the churchyard. How the fight ended is not distinctly stated, but the combatants apparently were separated, one of the Seafield men being wounded or killed.³

But the most thoroughly organised and determined attack made by the Moultrays was in May, 1529, in the town of Kirkcaldy. Sir John Melville tells us that the archbishop of St. Andrews (his former friend, James Beaton) had come to that town, and that he himself was quietly riding from his house of Raith to an interview with that prelate, when the fray took place. Sir John describes himself as wholly innocent of evil intention on his own part, and entirely unconscious of the plots against him; he was attended only

¹ Described as "Kinghorn-Easter," Burntisland being then frequently styled "Kinghorn-Wester."

² Vol. iii. of this work, pp. 71, 73.

³ Vol. iii. of this work, pp. 71, 73, 74. This servant's name was Wood, and he was apparently killed, as compensation for his death was afterwards claimed [cf. p. 69].

by his own servants, and wore no defensive armour, being dressed in a short white coat,¹ with doublet and hose, with a red bonnet on his head. The other party, however, who knew of the laird's intended meeting with the archbishop, were astir betimes and laid their plans with great determination. On this occasion Moultray was accompanied by, or called to his aid, the family of another laird of the neighbourhood, Vallance of Pittheadie. With the Vallances, and his and their retainers, all fully armed with "jak,"² steel bonnets, swords and bucklers, he rode from Seafield to Kirkcaldy. Moultray himself was apparently in peaceable guise, wearing a furred gown, but his armour was carried by a boy. They proceeded to the house of one Alexander Balcanquhal, in Kirkcaldy, whence they sent a spy towards Abbotshall to watch for and report the coming of the laird of Raith.

On receiving intimation of Melville's approach and his unarmed condition, the laird of Seafield donned his armour, jack, steel bonnet, and plaited gloves, and summoned the laird of Pittheadie and his followers, who were drinking in the town. He reproved their delay, and bade them haste, as the laird of Raith was coming, and they would never have a better opportunity. Vallance, however, who had a regard for Melville, was loath to fight without any quarrel, and tried to dissuade Seafield, objecting that there was no such reason to make slaughter, and that Melville had friends in the district. This speech roused Moultray's ire, and he exclaimed: "Fye on ye, John Vallance, I trowit (believed) nevir better at thi hand." This taunt stung poor Vallance, who was probably excited by his morning's draught, and becoming "crabbit and angry," he declared he would go further than the laird of Seafield himself dare go. Saying this he seized two axes and halberts from Balcanquhal's house and was ready for the combat. At this point the archbishop interfered as a peacemaker, and begged the party to remain quietly with him, and not to make provocation, saying that the laird of Raith was coming to speak with himself, adding, "ye have bene oft togidder with me of befor without skaith." The words were scarcely uttered when Melville and his company appeared at

¹ This may have been a coat of buff or white leather, and the wearer would therefore not be entirely defenceless.

² A "jack" was a thick quilted coat used as armour of defence.

the west port of the town, and Moultray replying hotly to the archbishop, "were I ten and he twenty, he durst nocht hald the gait (street)," caught sight of his opponent. He rushed out of the house with his servants, drawing their weapons as they approached Melville and his party.

Sir John Melville, as he saw the excited laird of Seafield coming on, called out to him to take half of the street, but the other would not listen. He still advanced, crying out, "Fy, set upon the tratouris," and so encouraged his followers. The laird of Pitteadie with his servants was already in front, thus making his boast good, and in the *mêlée* he was slain. A servant of Seafield's also was wounded to death, and Sir John Melville himself was dangerously hurt in various parts of his body before the affair ended. It is not stated in Sir John's narrative which party was victorious, though he seems to imply it was his own, but he appears to have much regretted the fate of the laird of Pitteadie, who had been in his house only a few days before, and was friendly with him. Pitteadie's relatives, however, made no charge against Melville for his death, which was brought about in the heat of combat and in pure self-defence.

Sir John Melville's knowledge of what was said and done in Kirkealdy before his own arrival on the scene was obtained from the full confession of one of his adversary's retainers, who was fatally wounded, but survived two days after the fight. This man, named Andrew Traill, several times before his death, related to his friends the foregoing facts. He also, in a conscience-stricken mood, sent two priests, one of them a notary, to ask Sir John's forgiveness in his own behalf, thanking God for the latter's escape. He stated that the laird of Seafield had lain in wait for Melville no fewer than seven times in that year with murderous intent; that he himself with three others had on this occasion undertaken to attack Melville alone, and to slay him if possible, adding that each of them had struck at their victim, although they had met the fate intended for him.¹ It may here be stated that within a month after the "slaughter," as it was called, Sir John Melville and two others received a remission from the king for art and part in the deaths of

¹ Vol. iii. of this work, pp. 71, 72, 74, 75, whence the whole of the foregoing narrative is adapted.

John Vallance of Pittheadie, Andrew Traill, and another man Alexander Wemyss,¹ probably also a servant of Moultray's.²

These persecutions by the laird of Seafield were not confined to the laird of Raith only, but were directed against others, his friends, and even his servants. Thus on one occasion, probably in the beginning of 1533, while Sir John Melville was absent from home in the king's service, the laird of Seafield, with some of his men, on horseback, encountering a kinsman of Sir John, James Melville, a chaplain, on foot, at the east end of Kirkcaldy, gave chase to him with a purpose to kill him. The chaplain took refuge in a house, the doors of which the marauders broke in, but fortunately their intended victim escaped by a backway. On another occasion, about July 1533, some of the Vallances, who were partisans of Moultray, at a public fair in Dunfermline, attacked John Kirkcaldy, brother to the laird of Grange, but he defended himself successfully. Again, in September of the same year, while the laird of Raith's servants were attending even-song at Kinghorn Church, they were treacherously assaulted in the churchyard by the Vallances and others, relatives of those who had been killed in the fray in Kirkcaldy. The parties were separated by the bystanders, but not before the assailants, perhaps accidentally, wounded Marion Kirkcaldy, sister of Grange.³

The pleadings presented to the lords of session on behalf of Sir John Melville and James Kirkcaldy, which narrate the foregoing indictment against the laird of Seafield and his accomplices, wind up with the conclusion, drawn from the facts, that he is a common oppressor. They state specially that for seven years he had oppressed the vicar of Kinghorn, by violently pre-

¹ Remission, 12th June 1529. Pitcairn's Criminal Trials, vol. i. p. 244*. Robert Clerk and Sir Thomas Thomson, perhaps his chaplain, are conjoined with Melville in this remission, which is to endure for nineteen years.

² As a side issue to the disputes between Melville and Moultray, Sir John appears also to have had difficulties with the Earl of Morton, superior of Seafield. As noted on a previous page, the earl was under an obligation to Sir John in regard to Moultray's goods, and in 1531 a decree of council was

issued, supported by a precept from the king, requiring the earl to keep Sir John scatheless from Moultray as to certain goods taken from the latter by Melville—10 bolls of threshed wheat at 36s. the boll, 19 bolls of bear at 33s. and 40 bolls of oats at 26s., taken from the half lands of Tyrie. In August 1532, Sir John Melville received letters giving him power of distrain over the Earl of Morton's lands of Aberdour. [Decree and precept, dated 15th December 1531; letters dated 7th August 1532, in Melville Charter-chest.]

³ Vol. iii. of this work, pp. 72, 76.

venting him from tilling his lands of the Vicars-Grange; that he built dikes on these lands to prevent tillage, broke the vicar's ploughs, maltreated his servants, and put his own sheep to graze on the vicar's grass, besides withholding his teinds of salt and similar commodities. This oppression, and the other misdeeds enumerated, are declared to be notorious throughout the district. Indeed the quarrel between the two factions, whichever was most to blame, had become so serious in its consequences that it engaged the attention of King James the Fifth himself. He came in person to Cupar-in-Fife, where the parties appeared before him, and both signed in his presence an obligation binding themselves and their adherents to submit to the decision of the lords of session, and to appear before the judges when required to do so. From the phraseology of this document, it would appear as if Moultray had complained against Melville. The latter is referred to as the aggressor, and it is chiefly in regard to the compensation to be paid by him, for the deaths of Vallance of Pitteadie and others, that the submission is made; touching all quarrels between them and harm done to Moultray, he is content to leave the whole matter in the king's hand.¹ About a fortnight afterwards, the king, who was still at Cupar, issued directions to those of the council and session who had been chosen to decide in the case, desiring them to bring the matter to a good ending, and to see where the occasion of displeasure has begun between the two parties. As the umpires found cause, they were to weigh the same to the great hurt of neither disputant, but where the fault was greatest to decide accordingly. Specially, however, were they to make "ane gud end" of the affair, that the parties might

¹ Vol. iii. of this work, pp. 69, 70. 15th January 1533-4. The king was attended on this occasion by John, Lord Lindsay of the Byres, formerly, if not then, acting as sheriff of Fife, and others. The adherents for whom Sir John Melville became security were James Kirkcaldy of the Grange, William Barclay of Touch, John Melville of Wester Touch, James Melville, son and heir of the late David Melville, Burgess of Edinburgh, Robert Clerk in Dysart, Robert Melville, goldsmith, Edinburgh, Pat-

rick Kirkcaldy, Sir James Melville, all landed men. The laird of Seafeld was responsible for David, George, and Henry Vallance, brothers to the deceased John Vallance of Pitteadie, James Trail, brother of the slain Andrew Trail, David Wemyss, son to the deceased Alexander Wemyss, and William Wood, probably a relative of the William Wood for whose death compensation was demanded, and who was fatally hurt or killed at Kinghorn.

"stand in concord eftyrwart,"¹ which probably was done, as no further trouble seems to have arisen between the two families.

From allusions in the foregoing narrative, and from other sources, it would appear that Sir John Melville took the field more than once under the banner of his sovereign. He was present, he himself tells us, with the expedition directed against the borderers in 1527, when many of their chiefs were compelled to give security for good behaviour. There is no evidence that Sir John took part in the raid upon the Armstrongs in 1530, though the king is said to have been attended by a large force, but he accompanied his sovereign to the borders at a later date on a more important occasion. This was in the beginning of 1533, when the relations between the Scottish king and Henry the Eighth were far from cordial, owing to the ungracious treatment by the former of the exiled Archibald, Earl of Angus, and his brother, George Douglas. Partly because of their hostility to King James, and partly because of the ill-feeling between the two countries, a series of retaliatory raids took place on both sides of the border. So much destruction was caused by the Douglasses and their allies upon the southern counties of Scotland, that King James mustered a strong army and marched to Haddington, there to consult with his natural brother, James, Earl of Moray, then lieutenant of the East Marches, as to an invasion of England. Sir John Melville and his retainers formed part of this force, which, however, did nothing in the way of active hostility, and a few months later a truce of one year was effected between the two countries.²

In January 1536, Sir John Melville, with two other gentlemen, received a special commission to act as a justiciar in the trial of Sir Patrick Hepburn

¹ Letter, dated 29th January 1533-4: vol. ii. of this work, p. 1. On 6th November of the same year, 1534, Sir John Melville, under circumstances arising out of another local family feud, received a charter granting him an annual rent of 40 merks from the Mains of Hilton of Rosyth, in Fife, belonging to Henry Stewart of Rosyth. Robert Orrock of that ilk, and Alexander Orrock of Balbie, his kinsman, had quarrelled, and were fined by the king's justiciar £550 Scots, for payment of which Sir John Melville and Henry

Stewart became security. The latter failed to do his part, and his lands of the Mains of Hilton were therefore legally appraised to Sir John Melville, who received sasine 22d March 1534-5. [Crown charter, precept, and sasine in Melville Charter-chest; cf. also *Registrum Magni Sigilli*, vol. iii. No. 1428.]

² State papers, Henry VIII., vol. iv. p. 637; cf. pp. 622-638. The king was at Haddington in February 1533, and at Melrose in the following month.

of Waughton and others convicted of assault, etc.¹ In August of the same year he and his friends formerly named received a general remission for all crimes except treason.² Between these two dates, on 23d May, he received from the king a feu-charter to himself and Helen Napier, his second wife, of the lands of Murdochcairn in Fife, with the usual commonty of the marshy land lying between Murdochcairn and Starr, in the parish of Kilmany. The annual feu-duty to be paid was £21 Scots, with 24 bolls of barley, 20 bolls of wheat, four dozen of capons and other poultry. A suitable mansion and policies were to be erected and maintained; while the king revoked in favour of Sir John and his wife all other grants made of the lands.³ Five years later a change was made in the holding, Sir John Melville and his wife receiving three-quarters of Murdochcairn with commonty in the "myre" of Starr, for an annual payment of £15, 15s. Scots, 18 bolls of barley, 15 bolls of wheat, and three dozen fowls, under the same conditions.⁴ In October 1537 Sir John appears to have mortgaged part of his lands of Torbain, as he then received a letter of reversion from Archbishop James Beaton, as administrator of the abbey of Dunfermline, giving him regress to the lands on payment of £40. At a later date this sum was increased to 600 merks, for which, in 1545, Sir John received another letter of reversion from Archibald Beaton of Capildrac, heir of the archbishop.⁵

In July 1537 the laird of Raith was present as one of the jury on the remarkable trials of John, Master of Forbes, Janet Douglas, Lady Glamis, and her son, Lord Glamis, charged with conspiring against the life of King James the Fifth.⁶ The circumstances of these trials, however, are well known, and need not be repeated here. A few years later Sir John Melville himself came under the ban, not of a criminal but of the civil court, in consequence of a judgment pronounced against him by the lords of council. From this

¹ Pitcairn's Criminal Trials, vol. i. p. 172*.

² *Ibid.* p. 250*, 15th August 1536. James Kirkcaldy of Grange, with his brothers, John and Patrick, William Barclay of Touch, John Melville of Wester Touch, and eight others, were included in this remission.

³ Registrum Magni Sigilli, vol. iii. No.

1587, 23d May 1536.

⁴ *Ibid.* No. 2492, 23d October 1541.

⁵ Registrum de Dunfermelyn, p. 386, 2d October 1537; vol. iii. of this work, p. 84, 26th July 1545.

⁶ Pitcairn's Criminal Trials, vol. i. pp. 184*, 190*, 199*.

position, however, he was released by the king, who granted him a formal discharge. According to this writ, a question had arisen as to the holding of the lands of Lundie, or Lundin, then in possession of Walter Lundie of that ilk, and the lords of council decided that a retour of service affecting the lands, made by Sir John Melville, was a wilful error. The lands were retoured as held for ward and relief, while a particular charter had been overlooked, the tenor of which, however, is not stated, and for this error Sir John's goods were declared escheat to the Crown. But in consideration of the fact that at the date of the retour, Sir John Melville was under age, or, as it is put, "of imperfite age, lakking discretioun and understanding," and also that since then he had attended upon the king's service at great expense to himself, the king with consent of his treasurer remitted and forgave the escheat and all claim thereto. He also rehabilitated and restored Melville to the same position in which he stood before he was convicted of the wilful error in question, and all legal processes against the defendant were discharged.¹ In the August following Sir John was on the jury who tried and convicted Sir James Hamilton of Finnart, of an attempt to assassinate the king, but the details of the trial are not known.²

Another land transaction in which Sir John Melville was concerned, and which must have taken place about this time, though the exact date has not been ascertained, is of some interest. This related to the lands of Abthane, or Abden, near Kinghorn, of which casual mention has already been made. Before 1521 Sir John Melville had acquired right to a lease of the lands, by assignation from his aunt, and, as already noted, the lease was continued to him. On the accession of David Beaton to the archbishopric of St. Andrews, or about 1540, Sir John Melville appears to have received a charter of the lands in feu-farm under certain conditions. According to a recent writer, who appears to have seen Cardinal Beaton's grant, as well as a crown-charter of subsequent date, there is a distinct reservation that the king and his

¹ Vol. iii. of this work, pp. 77, 78. The discharge is dated at Linlithgow, 7th January 1539-40. It is signed by the king, and indorsed by James Kirkcaldy of Grange, the treasurer, and by Mr. Henry Balnaves, both of whom were very friendly to Sir John

Melville, and had probably used their influence to obtain his release from civil disabilities. He had, however, to pay a composition of £300 Scots.

² Acts of the Parliaments of Scotland, vol. ii. p. 362.

successors should have lodging and residence at the Abden whenever they pleased to come to Kinghorn, and as long as they chose to stay, but at the king's own cost. It would seem that Cardinal Beaton held the lands on the same condition.¹ The writer adds that "in the old orchard of Abden there were not long ago removed the remains of a building which tradition declared belonged to the king, and the road to which from the shore or landing-place was called the King's Gate."

It is said by some historians that Sir John Melville was held in much esteem by King James the Fifth, who conferred upon him various offices, especially the important post of captain of the castle of Dunbar. The first part of this statement is so far borne out by the charter of rehabilitation already quoted, in which the king refers to Sir John's labours and expenditure in the royal service. This was in 1540, and the king then describes Sir John as his "lout familiar seruitour," and in the following year he showed a friendly interest in the marriage of Sir John's eldest son.² It was apparently in or before the former of these years that Sir John was made captain of the castle of Dunbar, where he had the responsible task assigned him of guarding some of those Highland chiefs whom King James brought with him as hostages, from his expedition to the Isles in 1540. One chieftain thus placed under Sir John's care was Angus M'Connel or Macdonald of Isla, who was so pleased with the kindly treatment accorded to him, that, at a later date, he remembered it, and gladly requited it to Sir John Melville's son, James, when the latter, on his way to France, in 1550, was storm-stayed near Macdonald's castle of Dunaveg.³ The laird of Raith was apparently still captain of Dunbar in August 1542, when that officer was directed to blow up the house of Edrington, otherwise known as Cawmills, a small stronghold in the parish of Mordington, not far from the English border. This fortalice had been, ten years previously, during the troubles with England, and while in the hands of Sir George Douglas of Pittendriech, a cause of considerable annoyance to the Scots, although in a partly ruinous condition. At a later date, 1534, it was restored to Scotland, but as war was now, in 1542, again declared,

¹ Statistical Account of Scotland, 1845, pp. 77, 78.
vol. ix. Kinghorn, p. 809.

² Cf. vol. ii. of this work, p. 2; vol. iii.

³ Memoirs of Sir James Melville of Hallhill, Bannatyne Club ed., p. 12.

it was deemed necessary to destroy the building, though this was at variance with royal letters issued shortly before directing the laird of the Bass to "kepe Edrington."¹

There is thus evidence that at least towards the later years of the king's reign, Sir John Melville was held in good estimation, and there can be no doubt that he had many friends among those in office or in attendance on the Court. James Kirkcaldy of Grange, who was high treasurer during the last five years of the king's reign, was Sir John's son-in-law. Another friend was Mr. Henry Balnaves, appointed in 1538 a senator of the college of justice, and also holding office about the Court. A third intimate was Sir John, or Captain Borthwick, one of those appointed by King James the Fifth to attend Sir Ralph Sadler, the English ambassador, during his stay in Scotland in the beginning of 1540. The king's physician, Michael Durham, also appears to have ranked among Sir John's associates, and others might be added, though with less certainty, including probably Sir James Learmonth of Dairsie, master of the royal household.² From his intimacy with these men, each of whom had more or less interest with the king, it is probable that Sir John Melville also shared in the royal favour. But it is of more importance to note that his association in this group connected him with the earliest stirrings of the Reformation in Scotland, of which the persons named were among the first and most active adherents.

Henry Balnaves had been educated abroad, and in his travels on the Continent had imbibed the new doctrines. As he was a native of Kirkcaldy, he knew Sir John Melville, and after his return to Scotland, before 1535, was frequently at Raith, where he appears to have met a congenial spirit.³ Sir John Borthwick also appears to have returned to Scotland shortly before Sadler's embassy, having been an ensign or lieutenant in the

¹ Order to the captain of Dunbar, 15th August 1542, vol. ii. of this work, p. 2. Treasurer's accounts, 7th August 1542, quoted by Pitcairn, vol. i. p. 324*.

² Cf. Calderwood's *Historie of the Kirk of Scotland*, vol. i. p. 158; Sadler's *State Papers*, vol. i. p. 19; vol. iii. of this work, p. 89. That the master of household (Sir James Learmonth), and the treasurer (Kirkcaldy of

Grange), interested themselves in Sir John Melville's affairs, appears by a friendly letter from the king, who states that they had informed him as to the proposed marriage of Sir John's eldest son. [3d April 1541, vol. ii. of this work, p. 2.]

³ Calderwood's *Historie of the Kirk of Scotland*, vol. i. p. 158.

Scottish archer guard of the King of France.¹ The other friends of Sir John Melville named were also well affected to the Reformation doctrines, and he and they thus became obnoxious to the clergy, although Sir John Borthwick, perhaps because he was less immediately under the royal patronage, was the first of Sir John Melville's intimates to suffer for his opinions. On 28th May 1540, he was summoned before an ecclesiastical court at St. Andrews and found guilty of having the New Testament in English, the works of Erasmus, and other writings reputed heretical, in his possession. He was condemned to death, but made his escape to Engländer, where he resided for many years.

This persecution, and others organised against heresy in the years 1539-40, were directed mainly by the influence of Cardinal David Beaton, who had succeeded his uncle, Archbishop James Beaton, in the see of St. Andrews. Under his guidance the clergy prepared, it is said, a list of upwards of three hundred noblemen, gentlemen, and burgesses, whom they accused of holding heretical opinions. This list the prelates presented to King James, urging him to confiscate the estates of those named. The laird of Raith, his son-in-law, and other Fifeshire gentlemen, were included in this list, but fortunately for him and them, when it was first shown to the king, he rejected it.

Knox, followed by Calderwood, states that it was about July 1540, after the return of King James from a voyage to Orkney and the Western Isles, that the list in question was presented and rejected. According to these writers, Kirkcaldy was then held in much esteem by the king, and not only persuaded him to refuse the demand of the clergy, but spoke so plainly regarding the abuses in church and state caused by their ambition and licentious lives that the king gave a wrathful answer to the prelates, threatening them with punishment if they did not reform their own lives and cease to be instruments of discord between him and his nobility.² This utterance is said to have been made at Holyrood-house, but in a letter of the period it is reported that such a conversation took place at Linlithgow. Sir David Lindsay's celebrated satire of "The Three Estates"

¹ His name appears in the rolls of the Scots Guards of France from 1529 to 1539, when he left that service. [The Scots Guards in France, by William Forbes-Leith, vol. ii. pp. 120-132.]

² Knox's History, Laing's ed., vol. i. p. 82; Calderwood, vol. i. pp. 146, 147.

was performed in presence of the Court, and so impressed the king that after the play was finished he specially rebuked certain of the prelates and urged them to reform.¹ This was in January 1540, some months before the alleged presentation of the list, but the story told by Knox is not improbable, as King James the Fifth more than once dealt sternly with his clergy.²

But though the clerical demand was set aside for the time, it was not abandoned, and was again brought forward at a time when the king was less inclined to resist. In October 1542, King James, embroiled with his uncle, King Henry the Eighth, had mustered an army on Fala-moor with intent to invade England, when his nobility and barons refused to follow him on such an errand. In his rage at their refusal, his desire to humble them was so strong that it is said he now accepted the proposal of the clergy, renewed at this juncture, expressing his regret that he had so long despised their counsel. Every effort was then made by the clergy to further the king's wishes by an expedition which was to be commanded by their nominee, the king's minion, Oliver Sinclair, who undertook the enterprise only to cast it miserably away on the shore of the Solway Firth. The king, seeing all his hopes frustrated of invading England and humbling his nobility, sank under the disgrace, and died in little more than a fortnight after the rout of Solway, and the scroll, upon which the clergy founded their hopes of aggrandisement, was found in his pocket after his death.³ Knox tells us

¹ Letter, Sir William Eure to Thomas Cromwell, enclosing a note of the "Interlude," 26th January 1540, printed in Piu-kerton, vol. ii. pp. 494-497.

² Cf. letter, 24th March 1536, from Archibald, Earl of Angus, to his brother George Douglas, in which he says the clergy of Scotland were "newer sa ewyll content" as they then were at a charge made to them by the king requiring them to relax their extortions. [The Douglas Book, by Sir William Fraser, K.C.B., vol. iv. pp. 143, 144.]

³ Knox's History, Laing's ed., vol. i. pp. 82-92; Calderwood's History, vol. i.

pp. 144-151; Sadler's State Papers, vol. i. p. 94; Keith's History, edition 1734, pp. 12, 21. Historians differ as to the number of names included in this list. Knox and Calderwood say it contained the names of one hundred landed men, besides others of lower rank. Buchanan gives the number of three hundred, while Sadler says plainly, on the authority of the Regent Arran himself, that there were three hundred and sixty in all. Bishop Keith doubts the story of its being found in the king's pocket, as he thinks Cardinal Beaton would have destroyed it, but he overlooks the fact that the cardinal hoped himself to have the supreme power.

that after the defeat, the king, being ashamed to look any one in the face, departed secretly to Fife, where, among other places, he visited Hallyards, then occupied by his treasurer, Kirkcaldy of Grange. The latter was absent, but his oldest son, William, afterwards the famous partisan of Queen Mary, with a few others, waited upon the unfortunate monarch, and Lady Grange, the daughter of Sir John Melville, an "ancient and godly matron," received him courteously, and strove to comfort him with kindly words. But the king's only reply was, "My portion of this world is short, for I will not be with you fifteen days," and to his servants he said, "Ere Yule day ye will be masterless and the realm without a king."¹ His forebodings were fulfilled, for he expired in his palace of Falkland on the 16th December 1542.²

Immediately after the death of King James, Cardinal Beaton caused himself and three colleagues, the Earls of Moray, Huntly, and Argyll, to be proclaimed governors of the kingdom, alleging in support of this act a testamentary settlement or will of the late king. Had this project succeeded it would have gone hard with Sir John Melville and others who had embraced the reformed doctrines, but the alleged testament was declared to be a forgery, or to have been fraudulently obtained, and James, Earl of Arran, the second person in the kingdom, was appointed governor.³ The crafty cardinal was

¹ Knox's History, Laing's ed., vol. i. p. 90. Calderwood, vol. i. p. 151. Kirkcaldy of Grange received a feu-charter of Hallyards, in Fife, and other lands, from the abbot of Dunfermline, on 15th October 1539 [Registrum Magni Sigilli, vol. iii. No. 2264]. "Ancient," as here applied to the Lady of Grange, must mean experienced, wise, or sagacious, as she could not have been much more than forty years of age.

² Various dates have been assigned for the death of King James the Fifth. The 14th December has been commonly accepted by historians, but if the treasurer's accounts be correct he expired on the 16th December, and this date is corroborated by the regnal years of the charters in the next reign, [Registrum Magni Sigilli, vol. iii. p. 661.

note, *et seq. passim.*]

³ These facts are stated by all historians, but the allegation made against Cardinal Beaton of founding on an illegal document has been corroborated by the recent discovery, in the Hamilton charter-chest, of a notarial instrument purporting to be a formal appointment by King James the Fifth of the cardinal, the Earl of Moray (a natural brother of the king), and the Earls of Huntly and Argyll, as tutors-testamentary to the infant Princess Mary, and governors of the realm during her minority. This writ, which was no doubt taken possession of at the time by the Regent Arran, is dated 14th December 1542, two days, apparently, before the death of the king, and is written in due form by the subscribing notary, Henry Balfour. Balfour had

imprisoned in the castle of Blackness, and though many of the priests, of whom he was the ecclesiastical head, ceased to officiate, and thus endeavoured to put the kingdom under excommunication, he had eventually to submit.

During the first year of the government of Arran the reformed opinions spread rapidly, being greatly assisted by the Act of Parliament permitting the use of the Old and New Testaments in the vernacular, an Act which was promoted by Sir John Melville's friend, Henry Balnaves. But ere the close of 1543 Arran went over to the party of the cardinal, who was appointed lord chancellor, and virtually became supreme in the state. The laws against heretics were re-enacted, and persecutions increased in number, culminating in the burning at the stake of the famous preacher, George Wishart.

This event was closely followed by the death of Cardinal Beaton himself, under circumstances so well known that they need not be related here, the rather as Sir John Melville was not one of the actual perpetrators of the tragedy. It cannot, indeed, be clearly ascertained how far Sir John contributed to the death of the cardinal. It was afterwards charged against him that more or less from the death of King James the Fifth, and particularly during the first six months of 1546, he was a strong supporter of King Henry the Eighth's designs upon Scotland. This was probably true, as many who inclined to the reformed doctrines were favourable to the English alliance. But no charge was made of complicity in the murder of Beaton, nor is Sir John named in the letters of summons directed against the assassins and other conspirators.¹ There is, indeed, a sentence in an important letter

apparently been in the king's service as a chaplain [Treasurer's accounts, 1536, Pitcairn, vol. i. p. 286*], but Buchanan styles him a "mercenary priest," and openly charges him with forgery, while Knox and Calderwood so correctly describe the contents of the document, though denouncing it as fraudulent, that it is evident they refer to this writ, upon the back of which is written in a contemporary hand, "Schir Henry Balfour instrument, that was never notar," implying that he was not recognised as a regular notary public,

although using that title in the king's pretended will. The existence of this writ, bearing out in every detail the assertions of contemporary historians, renders it highly probable that their statements regarding the scroll already referred to, and the existence of which has been doubted, are correct, and that it also was an authentic document, though it may not have been preserved.

¹ Acts of the Parliaments of Scotland, vol. ii. p. 477.

written at a later date by Sir John himself, where he refers to something done that was "plesand" to King Henry, and for which he expected reward. This might be construed as a reference to the cardinal's death, but his accusers did not treat it in that light, looking upon it rather as a general furthering of King Henry's policy.¹ On the other hand, the laird of Raith could scarcely have been ignorant of the plots which for two years previously had been entertained for the removal of the cardinal. In April 1544, the Earl of Hertford wrote to King Henry the Eighth that the laird of Grange, late treasurer of Scotland, the Master of Rothes, and others would attempt to take or kill the cardinal in one of his progresses through Fife, and they only waited the English king's approbation and assistance.² The laird of Grange, who had been deprived of his office by the influence of Beaton, and probably nursed revenge, was, as already stated, Sir John Melville's son-in-law, and though the project was deferred, or passed into other hands for a time, he was one of those who eventually carried it out, while among the other conspirators were several of the name of Melville, including a natural son of Sir John himself.³

Crawfurd, indeed, in his Peerage, but on what authority does not appear, alleges that a strong enmity existed on the part of the cardinal against Sir John Melville, because the latter was so devoted to the reformed religion. It is stated that Sir John was accused of heresy by Beaton, and would have fallen a victim had not King James interposed, and that when this plan failed, the cardinal afterwards strove to gain his end by hiring some ruffians to waylay Melville and assassinate him, the laird being saved only by the number and courage of his retainers.⁴ It may be suggested that the

¹ Vol. iii. of this work, pp. 87, 88.

² Letter, 17th April 1544, State Papers, Henry VIII. vol. v. p. 377; History of Scotland by J. H. Burton, vol. iii. p. 258.

³ Acts of the Parliaments of Scotland, vol. ii. p. 377. It may here be noted that though the laird of Grange, his son William, and several of his family, and various Melvilles, besides the Master of Rothes and others, were among the conspirators who entered the castle of St. Andrews with intent to kill Beaton, the

actual murderers were only three in number, John Leslie of Parkhill, Peter Carmichael of Balmadie, and James Melville. The last named, who gave the cardinal his death-blow, has sometimes been confounded with the laird of Raith, but appears to have been one of the Melvilles of Carnhee. So Spottiswood, quoted by Laing. [Cf. Laing's ed. of Knox, vol. i. p. 234 *note*, and pp. 174-177, for account of Beaton's murder.]

⁴ Crawfurd's Peerage, pp. 324, 325.

foundation for this narrative is an erroneous version of that encounter between Sir John Melville and Moultray of Seafeld, in which Archbishop Beaton figured, as detailed on a former page, were it not that Knox gives currency to a story of a similar character. In May 1546, there were fears entertained of an English invasion on the east coast of Scotland, and Cardinal Beaton summoned the barons and gentlemen of Fife, including Sir John Melville and some of his neighbours, to meet at Falkland to ride with him to visit the coast and prepare for defence. So Lindsay of Pitcottie and Buchanan tell us, but Knox and Calderwood state that under this purpose the cardinal concealed another, which was discovered after his death, namely, to get into his power Norman and John Leslie, the laird of Grange, Sir John Melville, "the faythfull lard of Raith," as Knox styles him, and others, who might be slain or imprisoned at pleasure. This statement may imply that Beaton was aware of the plots against his own life, and wished to be beforehand with the conspirators, yet it is possible that it was not consideration for his own personal safety which prompted this enterprise, but a determination to prevent the gentlemen named from giving active assistance to the threatened invasion. It may be to this alleged plot of the cardinal that Crawford refers, but, whatever were the prelate's intentions, they were forestalled by the tragedy which ended his own life, two days before that appointed for the meeting at Falkland.¹

In the events which followed upon the death of the cardinal, Sir John Melville, if he did not take a prominent part, was yet not an uninterested spectator. As is well known, the conspirators, when they found themselves in possession of the castle of St. Andrews, determined to hold it against the government. Their original number was only sixteen, but they were rapidly reinforced by their friends, and the castle became, within a few days after the slaughter of Beaton, a virtual Cave of Adullam for many who sympathised with that deed, and for others who believed themselves obnoxious to the regent and queen dowager. Such persons, to the number of about one

¹ Lindsay's History, ed. 1778, p. 297; Buchanan, Aikman's ed., ii. p. 359; Knox's History, vol. i. p. 174; Calderwood, vol. i. p. 221. Knox and Calderwood state that the cardinal's designs were made known by

papers found in his chamber, and by the evidence of certain of his council. The meeting was appointed for Monday, 31st May 1546, while the cardinal was slain on 29th May.

hundred and forty, flocked to St. Andrews, where they completed the fortifications, nearly finished by the cardinal, and otherwise prepared for defence. The governor and his council, after in vain summoning the holders of the castle to appear before them, resolved upon a siege, which was begun towards the end of August 1546, and dragged on without success until December of the same year.

In that month the governor, by the advice of his council, accepted certain overtures which the besieged made for negotiation, and an armistice or arrangement was come to by which hostilities were postponed for a time, although it would appear that neither party intended to fulfil the agreement. The garrison had, about a month previously, requested Mr. Henry Balnaves and another to ask for assistance from King Henry the Eighth, and wrote a narrative of the facts, to be shown to that king.¹ From this narrative we learn the position which Sir John Melville occupied amid the contending parties. The garrison, while they admit that the agreement on their part was only a pretext to gain time, state that the other side had threatened, if they refused an armistice, to seize four of their "most spetial freyndis," and to put some of them to death and the others in prison. One of these special friends was the laird of Raith, and it thus appears that he was looked upon by the besieged as their staunch friend, while he was obnoxious to the government. No other record of him, however, occurs in connection with the siege, which was only terminated on 31st July 1547 by the surrender of the garrison.²

This result was effected by the agency of a French fleet, to the commander of which the besieged capitulated and were carried to France as prisoners. In connection with this, Sir John Melville's influence and sympathy with the garrison was taken advantage of by the Scottish government at a later date.

¹ Henry Balnaves was not one of the original sixteen conspirators, nor did he join them immediately after the death of the cardinal, as asserted by some; he continued to sit in the Privy Council until 3d August 1546. He went to England in November 1546, and the negotiations referred to began on 16th December of that year. [Register of the Privy Council, vol. i. p. 33; Diurnal of Occurrents, p. 43.]

² Calderwood's History, vol. i. pp. 225, 226, 240; State Papers (Henry VIII.), vol. v. p. 581. The other friends of the besieged who were threatened were Balfour of Montquhanie, Crichton of Naughton, and Ramsay of Colluthie. The death of King Henry the Eighth, on 28th January 1547, soon after the communication was made, postponed the hope of aid from England.

Among the Scottish nobles taken prisoner at Solway Moss was Malcolm, Lord Fleming, who was released from captivity on giving a bond to further King Henry's schemes for an alliance between Scotland and England, and leaving his son James, Master of Fleming, behind him as a hostage. Before a year had passed Lord Fleming joined the party of Cardinal Beaton and repudiated the English alliance, declaring also that he would never go back to England whatever became of his son. He also, it is said, paid the sum of £1000 fixed for his ransom, and so released himself from obligation to the English king.¹ Malcolm, Lord Fleming, was killed at Pinkie in September 1547, while his son was still detained in England, and it was for the release of that son, now James, Lord Fleming, that the Scottish government, in June 1548, desired Sir John Melville to interest himself. The mode proposed for obtaining Lord Fleming's freedom appears to have been that one of those gentlemen who had been carried from the castle of St. Andrews to a French prison should be released thence and take the place of Lord Fleming in England. As this implied the consent of the French government, the application was doubtless made at this time in view of the fact that Lady Fleming, mother of the hostage, was governess of the young Queen of Scotland, whom it was proposed to send to France, and who did sail thither about two months later. It was evidently intended that Sir John Melville should be the medium of communication with the prisoner from St. Andrews who was to be exchanged for Lord Fleming, and with this view he received a letter from the Governor Arran, authorising him to write to England to make the necessary arrangements.² The immediate result of his efforts has not been ascertained. James, Lord Fleming, had indeed returned to Scotland in 1550, but this may have been only the effect of the peace concluded in April of that year.

We now approach the closing tragedy of Sir John Melville's own life, who, within six months from the date of the regent's letter, was accused of treason and beheaded. The fact, and the cause of it, have been variously

¹ "Biggar and the House of Fleming," by W. Hunter, pp. 513, 514. The statement that the ransom money was paid is somewhat doubtful, since the hostage was detained so long.

² Vol. iii. of this work, p. 86. 1st June 1548.

related by contemporary and more modern historians, and it has been referred to as perhaps one of the most remarkable of the too frequent instances of judicial murder which unhappily disfigure our early Scottish annals.¹ The author who thus writes, however, admits that the circumstances have hitherto been little known. The three earliest historians who refer to Sir John Melville's fate are Knox, Buchanan, and Calderwood, and these differ in their account of the cause which led to his apprehension and conviction. Buchanan and Calderwood state that certain letters which Sir John had written to an Englishman on behalf of a prisoner, a friend of his, were intercepted, and led to his arrest,² but this is evidently an erroneous version of the application made for Lord Fleming, which was duly authorised. Knox is more correct when he says that Melville suffered because he wrote a letter to his son, John Melville, then in England. All these writers, however, agree in representing that Sir John was innocent of any crime, while Knox and Calderwood attribute his fate to the enmity of two churchmen. The first of these was John Hamilton, natural brother of the Regent Arran, an ambitious prelate, then abbot of Paisley and bishop of Dunkeld, afterwards archbishop of St. Andrews; the other being George Durie, commendator of Dunfermline, Melville's feudal superior. It is alleged that these two men sought Sir John's death because he was known to be a favourer of the Reformation, and a friend to those who had held the castle of St. Andrews. This view has been adopted by a modern writer, who, after commenting on the rigorous and tyrannical conduct of Arran and his brother against those barons and others who favoured the reformed religion, states that instead of attempting to prosecute such for heresy the authorities preferred to try them for alleged crimes against the state. Among other instances he notices Sir John Melville's case in terms which give a fair summary of the opinions of all the historians who have narrated it—"Sir John Melville of Raith, a gentleman of distinguished probity, and of untainted loyalty, was accused of a traitorous connection with the enemy; and although the only evidence adduced in support of the charge was a letter written by him to one of his sons, then in England, and although

¹ Pitcairn's *Criminal Trials*, vol. i. p. *339. p. 378; Calderwood, vol. i. p. 262. These two writers are also wrong in the date they assign to Sir John's death.

² Buchanan's *History*, Aikman's ed. vol. ii.

this letter contained nothing criminal, yet was he unjustly condemned and beheaded.”¹

It is to be observed, however, that while, as will be shown, there is considerable ground for the indignation expressed by the careful and accurate writer quoted, he yet relies for his information on the accounts of earlier historians, and does not appear to have seen the letter of Sir John Melville to which he refers. The criminal records of that period which are extant are mutilated and imperfect, and no evidence bearing on this trial has been discovered amongst them.² All former statements on the subject of Sir John Melville's conviction have therefore been founded on imperfect knowledge of the details of the accusation against him, only now supplied from two documents preserved in the family charter-chest, and printed at length in another volume of this work. Although, being from official sources, these writs do not give any clue to the secret or personal motives which may have inspired the action against Sir John, they yet throw a clearer light upon the main facts of the case than has hitherto been attainable. The papers in question are, first, a contemporary official extract from the records of justiciary narrating the trial and sentence, with a certified copy of the letter upon which the charge was founded; while the second writ is likewise an official copy of the act of parliament rescinding the forfeiture of Sir John Melville's estates, which also recapitulates the proceedings of his condemnation.³

From these papers it will be seen that Knox is correct in his statement of the charge made against Sir John Melville. Reference has already been made to a natural son of Sir John, who was apparently one of the original sixteen conspirators against the life of Cardinal Beaton, and one of the garrison of St. Andrews. This man, also named John Melville, appears to have left the castle before its surrender and settled in England, where he seems to have been an emissary of the Protector Somerset, and whence he kept up communication with his father and other friends in Scotland. It was a letter which Sir John Melville had written to this son, at a critical time

¹ McCrie's *Life of Knox*, 3d ed.; vol. i. pp. 163, 164.

² Pitcairn's *Criminal Trials*, vol. i. p. *339.

³ Official extract from books of justiciary, 13th December 1548; and extract Act of

Parliament, 4th June 1563, vol. iii. of this work, pp. 86-90, 102-108. The first of these writs was probably supplied officially, when Sir John Melville's children and friends obtained the second from parliament.

in the struggle then going on between England and Scotland, which fell into the governor's hands, and brought Sir John to the block. In this letter, written in January 1548, the writer informs his son of the chief military events then taking place in Scotland, and specially notes that the Earl of Argyll was advancing upon Dundee, then in the hands of the English. He distinctly expresses his sympathy with the army invading Scotland, and suggests to his son how he might gain intelligence for the Protector Somerset. He then refers to their friends in France and others of the late garrison of St. Andrews, and concludes with good wishes to comrades in England.¹

These are the main points in the letter, but to understand their significance, and the effect of such a document made public at the probable date of its discovery by the authorities, it is necessary to glance briefly at the history of the period, and the state of affairs then existing between Scotland and England. After the death of King James the Fifth, the English king, Henry the Eighth, earnestly endeavoured to bring about a marriage between his son and the infant Queen of Scotland. In his proposals to this end he was supported by a strong party in Scotland, including some of the most prominent men in that country, notably the Donglases, the Earls of Cassillis, Glencairn, and many others, who also more or less favoured the reformed religion. But owing to the violent manner in which King Henry, and, after his death, the Protector Somerset, strove to further their purposes, most of the Scottish nobility and others who had favoured the English alliance, drew back, and either renounced their engagements with the English king, or, if they still maintained correspondence with him, held themselves ready to resist any invasion of Scotland. More especially was this the case after the battle of Pinkie, in September 1547, when the Scots suffered a severe defeat, and the English fleet seized Broughty Castle on the Tay, and the island of Inchcolm in the Firth of Forth. Besides this, a few months later, in the beginning of 1548, another English force, under Lord Grey of Wilton, overran a great part of the south of Scotland almost to the gates of Edinburgh, seizing Dalkeith Castle and other strongholds. In August of the same year the war was renewed with greater intensity on the part of the English, who burned Dundee, seized Dunbar, and endeavoured to

¹ Vol. iii. of this work, p. 89.

land in Fife, but were repulsed with loss. All this hostility embittered the Scots, and the bitterness engendered between the two nations expressed itself in the following year, if not earlier, in a proclamation by the Governor Arran that every Scotsman serving the King of England should be slain as soon as taken, which was met by a retaliatory order that every Scotsman taken prisoner by the English should be killed without ransom until Arran should revoke his proclamation.¹

These orders were apparently issued after Sir John Melville's death, but they sufficiently indicate the bitterness which had infused itself into the minds of the Scots, and which, perhaps, more than any other cause, led to his execution, and to the death or forfeiture of others on similar grounds. That Sir John Melville had a strong leaning to the English alliance is proved by all the various glimpses we have of his doings since the year 1542, especially his sympathy with those who formed the garrison of St. Andrews. It was unfortunate for himself, therefore, that the discovery of the letter to his son proved that even after the battle of Pinkie, and while Scotland was invaded both by sea and land, instead of desiring to repel the enemy, he was, on the contrary, well inclined to their presence in his neighbourhood. This was written when Broughty Castle and the island of Inchcolm were in English occupation, and Sir John Melville complains that his power was not equal to his will to assist the invaders, as his neighbours around are "unfaythfull," and have caused the government to be "extreme" to him and his friends. There is, therefore, not much reason to wonder that the discovery of a letter containing such sentiments led to Sir John's being accused of treason, and suffering accordingly.

How the letter fell into the hands of the authorities is not clear. Knox states that it was alleged to have been found in the house of Ormiston. Were this so, it would agree with the terms of the letter itself, in which Melville refers to the laird of Ormiston and others as his friends, and specially names him as the channel of communication with England. John Cockburn, laird of Ormiston, is well known to history as the friend and supporter of the martyr Wishart, but he was also an active partisan of the English, and, as extant documents show, he was in constant correspondence with the

¹ State papers quoted by Tytler, *History*, vol. iv. pp. 481, 482, app. L.

Protector Somerset or Lord Grey of Wilton, while a kinsman or namesake, Captain Ninian Cockburn, acted as their paid emissary.¹ At the very date on which Melville's letter was written to be forwarded through him, Cockburn was in close alliance with Lord Grey, then preparing to enter Scotland with an army. When Grey did invade the Lothians, Ormiston joined him openly and received command of the tower of Salton, near his own residence in East Lothian, a small fortalice which had fallen into possession of the English. This post, however, was suddenly surprised by the Governor Arran, who also took and burned Ormiston's own house, a fact which Lord Grey himself announces to the Protector Somerset.² This was in February 1548, a few weeks after the date of Melville's letter; and if that document was found in the house of Ormiston, it would be conclusive evidence to the authorities that Melville and Cockburn were in the same confederacy.

One difficulty presents itself in regard to this theory, that the attack on Ormiston took place in the beginning of the year 1548, and Sir John Melville's trial was in December of that year, while, as has been shown, he was in the interval still in credit with the government, which suggests that the letter was still a secret. Knox, however, gives an alternative theory that in regard to the document many suspected the trickery and craft of Ringan or Ninian Cockburn, now (says Knox) called Captain Ninian, to whom the paper was delivered.³ The history of this Ninian Cockburn is very obscure, but he had been one of those summoned for connivance in the murder of Cardinal Beaton, and was at this time an emissary or spy on behalf of the English generals. It is of some importance to note that in January 1549, a month after Sir John Melville's death, the name of Ringan Cockburn appears on the rolls of the Scottish Archer Guard of France, suggesting that he had then made his escape from Scotland. There he remained abroad until 1565, when he again appeared in Scotland in the suite of Mons. Mauvissiere, the Sieur de Castelnau, who in that year came as an ambassador from France, to act as

¹ Thorpe's Calendar of State Papers, Scotland, vol. i. pp. 67-81 *passim*, cf. p. 69.

² *Ibid.* p. 81; cf. the Frasers of Philorth, Lords Saltoun, vol. ii. pp. 55-57. The laird of Ormiston, and another active agent of the English party, Crichton of Brunstane, made

their escape from Scotland, and though their estates were forfeited at the same time with those of Sir John Melville, they were afterwards restored to their lands and played a prominent part in the Reformation.

³ Knox's History, Laing's ed., vol. i. p. 224.

mediator between Queen Mary and her turbulent nobles. In this connection Captain Cockburn acted as the agent of Cecil, the famous minister of Queen Elizabeth.¹ Sir James Melville of Hallhill describes Cockburn as "a busy medler,"² and it is therefore probable he was one of those restless men, who take advantage of a disturbed state of society to serve many masters, and play many parts. Be this as it may, and although Sir John Melville may have been a victim of treachery, or sacrificed to facilitate the escape of others in whom he trusted too implicitly, it yet cannot, on a calm view of his letter and the charges founded on it, be alleged that he was altogether guiltless of treasonable practices.

He was arrested some time before the 3d of December 1548,³ and was brought to trial ten days afterwards. Crawford, in his Peerage, says that on the discovery of the letter it was shown to the archbishop of St. Andrews.⁴ From another source we learn that it was by that prelate's orders Sir John was suddenly seized, and sent a prisoner to Edinburgh, where he was strictly confined. He was tried by a jury, chiefly composed of Fifeshire lairds, some of them Sir John's immediate neighbours. The judges were Andrew Ker of Dolphingston, then provost of Edinburgh, and Patrick Barroun of Spittalfield. The charges preferred against Sir John were six in number, and they were all founded, not on the evidence of witnesses, as alleged by some, but upon this letter to his son, which was produced in Court, and which, according to the indictment, Sir John Melville acknowledged himself to have written.

The first count against the accused charged him with treasonably receiving treasonable writings sent to him in October, November, December, and January 1547-8, by his natural son, John Melville, from England, desiring him, to the prejudice of his own sovereign, to aid the captains of the

¹ The Scots Guards in France, by W. Forbes Leith, vol. ii. pp. 146-168 *passim*; Thorpe's Calendar of State Papers, Scotland, pp. 221, 227, 827, etc.

² Memoirs, Bannatyne Club, p. 20.

³ Letters were sent on 3d and 5th December 1548 to summon a jury to sit in Edinburgh. [Treasurer's Accounts, Pitcairn, vol. i. 341*.]

⁴ Crawford's Peerage, p. 325. The "bishop of St. Andrews" referred to was John Hamilton, natural brother of the Regent Arran, who was then bishop of Dunkeld. Crawford misdates the trial by a year, placing it in 1549, but in this he follows other historians. Crawford also places the scene of the trial at Stirling, but this is disproved by extant writs.

English garrisons in Broughty Castle and Inchcolm. This was declared to be proved by the first sentence of the letter, in which Sir John acknowledged receipt of letters from his son, to the effect stated, while he regretted his inability to express his goodwill to the English enterprise. The second charge was, his treasonably concealing the treasonable writings from the authorities, while the third count was his sending a reply to such writings, of which last the letter itself was produced as proof, wherein he also counselled his son to serve the English well, and not to trust to any kindness in Scotland as long as the then government lasted. The fourth charge accused Sir John of furthering the evil and mischievous purposes of King Henry the Eighth against Scotland, in the months of January, February, March, April, and May 1546, in hope of receiving a reward from the English king. The evidence adduced in support of this was Sir John's own words to his son that his good friends the lairds of Ormiston and Montquhanie (Balfour), and Ninian Cockburn, could tell what his part had been since the field (of Pinkie) and before; his good brethren and companions, Sir John Borthwick, Dr. Durham, and John Leslie could testify of the first purpose being done that was pleasing to King Henry, and he thought he should have been remembered among the first. He then added as a picce of news that the Earl of Argyll was marching strongly upon Dundee, advising his son that if the Protector of England would permit him to enter Lothian he might obtain much intelligence, and do good service to the English. Upon this the fifth charge was founded, that Sir John had supplied intelligence to the enemy so far as he could, continually since the death of King James the Fifth, and specially in the month of January 1548, when the letter was written. The letter concluded with notices of friends, remembrances to those in England, advice to his son, and a promise that he would write to the laird of Ormiston of things as they occurred, which was made the subject of the sixth and last charge, that the intelligence thus conveyed was intended for the Protector Somerset.¹

These were the charges made against Sir John Melville, and of which he was found guilty on 13th December 1548. On the face of the official documents, it is difficult to clear Sir John of the charge of treason, and it does

¹ Vol. iii. of this work, pp. 86-90, 103, 104.

not appear that the authorship of the letter was ever actually disproved. But while this is so, and while the authorities were so far justified in proceeding against one whom they believed to be a traitor, yet in fairness to Sir John Melville and to those historians who have taken a lenient view of his case, testimony from another contemporary source may now be produced, which declares that whatever his offence, his apprehension, trial, and condemnation were attended by circumstances of special harshness and treachery. This testimony is also embodied in an official document. In 1563 Sir John's widow, Helen Napier, and her elder children, one of whom at least, Robert Melville, afterwards Sir Robert Melville, was high in favour with Queen Mary, petitioned the government to rescind the condemnation and sentence of forfeiture pronounced against Sir John, and to rehabilitate him and them by restoring the family estates. In answer to this a royal summons was issued in the usual form, narrating the sentence and proceedings against Melville, and requiring the judges, jurors, and others concerned to appear before parliament to hear and see the sentence rescinded. It is from this document, compiled no doubt from evidence supplied by Sir John Melville's friends, that we obtain, besides the formal narrative of the trial, a remarkable series of statements on behalf of Sir John, which are evidently the groundwork of the charge against the authorities made by Knox and other historians. As the writ was drawn up at a period many years after the trial, when the reformers were in the ascendancy, and those against whom the summons was chiefly directed were in exile or deprived of power, and as it contains what may be called special pleas against the justice of Sir John's sentence, it is necessarily somewhat partisan in tone, and its details may be given in an exaggerated form.¹ Yet the statements therein made, aided as they must have been by living testimony, are not to be disregarded, and they tend to support Knox's assertion regarding the enmity displayed by the two prelates formerly named, John Hamilton, abbot of Paisley, and George Durie, commendator of Dunfermline.

As regards the former, the cause of his dislike to Sir John Melville is not stated, but the enmity of Durie arose out of one of those family feuds then so prevalent in Scotland, and one of which with the Moultrays of Seafield

¹ Copies or drafts of summons, in Melville Charter-chest.

has already been referred to. In 1571, Sir John's grandson, the famous Sir William Kirkcaldy of Grange, addressed a letter to the kirk-session of Edinburgh defending himself against a charge founded on a squabble in which he had engaged with some of the Durie family at Dunfermline. In that letter he states, as an excuse: "It is notoriously known that they—the principals of the house of Durie—have done to me and mine many great offences, grievous injuries, and exorbitant displeasures; the principal of that house being the chief author of the death and destruction of my grandfather, the laird of Raith, with the ruin of his house. And since then have they not daily and continually molested us, his posterity and friends, in our possessions?" etc.¹ Allowing for a certain heat of anger in this statement, it yet corroborates the evidence adduced on behalf of Sir John Melville.

The pleadings contained in the royal summons declare that the sentence should be rescinded on five grounds:—First, because the judges who tried the case were not properly commissioned to do so; second, because Sir John was not properly nor legally summoned; third, because he was deceived and concussed into confessing that the letter founded on against him was written by him, and did not make a voluntary confession; fourth, that the letter in question was written under privilege and licence; and fifth, because the verdict was not founded upon the exact terms of the letter adduced in support of the accusation.

Into every detail of the narrative in support of these five reasons it is not necessary to enter; the chief points of interest are those affecting Sir John's apprehension and his treatment previous to trial, with the pressure which was brought to bear upon the authorities against him. We are told that instead of a legal warning being given, Sir John was, about fifteen days before his trial, suddenly seized by the servants of John Hamilton, abbot of Paisley, then treasurer of Scotland. This was done, it is said, while Sir John, with only a few of his own retainers, was accompanying the treasurer in friendly convoy towards Burntisland, on the "Clayness" sands. The unsuspecting victim was so roughly seized and handled that he was not allowed even once to look behind him. He was carried to the castle of

¹ Bannatyne's Memorials, Bannatyne Club ed., p. 74.

Edinburgh and confined there, without being formally charged with any crime, and without knowing of what he was accused. He was further, it is said, so straitly incarcerated that none of his friends or kin were allowed to see or speak with him, nor could they inform him that he was to be tried for his life, and he was thus deprived of all proper and legal means of defending himself.

This, however, was not the worst part of his treatment. The narrative proceeds, under its third head, to show how George Durie, commendator of Dunfermline, having conceived and rooted in his heart old rancour, deadly hatred and malice, against Sir John, because of a long before contracted feud, and other known causes, being his overlord, and in the hope of obtaining the prisoner's lands, but specially for the true religion, which Sir John always favoured, when he could attain his purpose by no other means, did so by craft. Perceiving the opportunity a fit one for gratifying his revenge, he very deceitfully came forward as a friend and adviser of the captive, and represented himself to Sir John and his friends as desirous to procure his release. He first, however, used his influence over the Governor Arran to procure that Sir John should be sharply accused upon the terms of the letter, having determined that Sir John should not escape, and that he would induce him to confess writing the document, which was the sole ground of the charges against him.

To effect this result, Durie, we are told, went to the castle of Edinburgh to advise with Sir John, and, to make his visit more acceptable, he was accompanied by some of Sir John's friends, and also by the prisoner's wife, Helen Napier, who had hitherto been strictly refused all admission to her husband. At the first meeting with the captive, Durie spoke in so homely a manner that Sir John "believed him na less freindlie than he had bene his father," saying, as is reported, "Quhat do ye sa ewill lyk, man, or quhairupon pause ye? I trow I wat quhat movis yow ertest (soonest) for the vreting of ane scabbit bill. Lat be and study na mair thairone, it is bot ane triffill, and it can do yow na harm, nother anent your lyf nor lands, howbeit it war nevir sa trew. If ye will use my counsall, I sall varrand yow upon my lyf and honour." Surprised by this friendly tone, and considering that the speaker was one of the Privy Council, and had great influ-

ence with the Regent Arran, Melville asked his visitor what he should do. The reply was that as Sir John had been taken, the governor thought it necessary to make some show at least of accusing him, but there could be nothing laid to his charge save the letter, and if he confessed that and submitted to the governor, Durie undertook that he would incur no danger. As an alternative to this, Durie pointed out the effects of rousing the governor's anger, and, without detailing the whole conversation, it is sufficient to state that he by various arguments urged Sir John to accept his advice. Durie further assured Sir John of his own friendly feeling towards him, and that he had come to get an answer from him as to what he meant to do when the letter was produced against him, the governor having promised that Sir John should "aill nathing" if he confessed and submitted, but he wished a reply ere he left.

At this stage of the interview Durie retired for a time, saying that he would send certain friends, with whom Sir John might consult and advise in the matter. These were John Wemyss, laird of Wemyss, Bonar of Rossie, and Melville of Touch, all kinsmen of the prisoner, who said he would be glad to have their counsel, in which he expressed confidence. They were therefore admitted, Durie having told them of his proposal and recommended its adoption, to which, all unconscious of treachery, they strongly advised Melville. The latter was for a time very unwilling to accept this advice, asking for what purpose he should admit or confess the thing he did not do, but under the influence of his friends, the fear and terror of the misery he had endured, and the strictness of his confinement having driven him almost distracted, he at last consented to make confession, relying on the faith of his friends and the promises made to him. No sooner did Durie learn this than he hastened to the regent, and declared to him how Sir John was willing to confess, and submit himself to Arran's will in the matter. On hearing this, the governor was so moved with compassion that he could not order Sir John to be put to death, nor would he be so cruel to "ane old agit barroun of the realme," who was also a kinsman, even though the letter appeared somewhat treasonable.

Thus foiled in his purpose, and fearing defeat, Durie, as a last resort, went to the queen dowager, Mary of Guise, and represented to her that Sir

John was a traitor, that he was willing to confess his treason, and yet that the regent was not minded to punish him, but if this were not done those who favoured England would ruin the kingdom. Thus urged, the queen dowager took up the matter, and threatened to treat the governor as a partisan of the English if Sir John was not proceeded against with rigour.¹ The governor yielded, and Sir John was arraigned before a jury, who, as already stated, gave a verdict against him.

Such is the story, as told by his friends, of the proceedings which led to Sir John Melville's trial and execution. Even admitting that the facts stated are set forth in the pleadings in a partial manner, it is to be remembered that those friends who were the unconscious instruments of Sir John's fate were, in 1563, still alive, and able to add their testimony. At that date also, as will be more fully stated on a later page, George Durie, the prime mover in the tragedy, had left Scotland, and they were free to state what they knew of the matter. The details, so recited, confirm the general statement made by Knox as to the iniquitous dealing with Sir John Melville, but are not conclusive as to his actual guilt or innocence of the crime laid to his charge.

The remainder of the pleadings contained in the royal summons throw no light on the point in question, as they state no new facts and do not categorically deny the alleged authorship of the letter on which the charge was founded. We are told that many of the jurors were unfriendly to Sir John, and also that, confiding in the promises made by Durie, he attempted no defence, nor did he take the usual precautions to obtain, if possible, a fair trial. But these statements prove nothing, and the source from which an authoritative statement might have been expected is wholly silent on the main question. The Act of parliament which, in terms of the summons referred to, rehabilitated Sir John Melville and restored Raith and other estates to his family, proceeds merely on the technical ground that the judges were incompetent to try the case, not having been specially commissioned to do so. All the arguments advanced by his friends are thus passed over, and while Durie's alleged treachery is not substantiated, Sir John himself is

¹ There are several copies of the summons in the Melville Charter-chest, and in two of these the reference to the queen dowager is deleted, and it is only stated that the governor was gradually influenced to order Sir John to be tried.

not formally exonerated—a course which may have been dictated by policy, but which is unfortunate for the historian.

The sentence pronounced against Sir John Melville was followed on the same day by his execution, in the brutal manner then in vogue, and, on the following day, by the confiscation of all his lands and goods to the Crown. On 14th December 1548, James Adamson and Mr. David Ramsay received a royal grant of the escheat of the late Sir John Melville's moveable goods. A special clause provided that if the deceased had in his possession any silver work or gold work, or other goods belonging to the late Cardinal Beaton, Norman Leslie, sometime Master of Rothes, James Kirkcaldy, sometime laird of Grange, or any other person convicted or banished for holding or taking part with the holders of the castle of St. Andrews, then the governor is to pursue for such goods.¹ This clause may have been inserted *pro forma*, but if not, it shows how the government looked upon the relations which Sir John Melville held with the murderers of Cardinal Beaton.

Besides the escheating of his moveable goods, Sir John Melville's landed estates were forfeited. They were divided in larger or smaller shares among various parties. Robert Carnegie of Kinnaird, ancestor of the Earls of Southesk, received Murdocairnie, which was held of the Crown.² Pitcottie and Dura passed to Mr. William Scott, son of Sir William Scott of Balwearie, the superior; while Robert Carnegie and James Scott, brother of David Scott of Spencerfield, divided betwixt them the leases of the lands of Prinlaws.³ The largest portion of Sir John's estates, however, consisting of Raith, Pitconmark, and Torbain, was bestowed upon David Hamilton, third son of the Regent Arran. These lands were held of the abbey of Dunfermline, of which George Durie was commendator, and as superior he granted a charter accepting Hamilton as a new tenant presented to him by the Crown, in place of Sir John Melville.⁴

The fact that Raith was granted to the son of the governor may be claimed as an argument in support of the assertion that Sir John Melville's fate was

¹ Original letters of gift, dated 14th December 1548, in Melville Charter-chest.

² Charter, dated 7th January 1549, Registrum Magni Sigilli, vol. iv. No. 267.

³ Copy summons, 1563, in Melville Charter-

chest.

⁴ Copy charter, dated 14th April 1549, in Melville Charter-chest. Cf. Registrum de Dunfermelyn, p. 396, and vol. iii. of this work, p. 90.

brought about by sinister motives on the part of the governor and his advisers, but all that is known on this point has already been stated. One charge, however, which has been made, and coupled with the name of Archbishop Hamilton, that Sir John Melville's wife and children were dispossessed of their home with all the circumstances of barbarity which malice could invent,¹ is disproved by existing documents. Instead of being immediately turned out of house and home, as this statement would imply, we find that Helen Napier, Sir John's widow, was still in Raith more than six months after his death. Not only so, but she received from the regent, acting as tutor to his son, then a minor, permission for herself and her children, to occupy the house and lands of Raith until the 1st November following, so that she might in the meantime gather her goods and grain together, only stipulating her removal at that date without injuring the property, and that she should allow wheat to be sown on the regent's behalf.² In fact, she remained in the lands or part of them as tenant and occupier, and that, according to her own evidence, by the tolerance of the regent.³ Further, about the same time, David Hamilton, the new proprietor of Raith, granted a new charter to Katherine Melville, daughter of Sir John, receiving her in due form as his tenant in the lands of Shawsmill, formerly held by her from her father, and treating her in all respects like any other vassal. Archbishop Hamilton was present when this writ was signed by the granter and his father.⁴ These facts, and also the sending of Sir John Melville's third surviving son, James, to France, under the patronage of the queen-dowager, about a year after his father's death, seem to show that no undue severity was practised towards Sir John's family.

It may be noted that on the day after Sir John's trial, his friends, Cockburn of Ormiston and Crichton of Brunstane, who had both escaped, were forfeited for the same offence of treason, and summonses were issued against Henry Balnaves and others. They were active adherents of the reformed faith, but as many others who are known to have been such were also convicted on political grounds, it is probable that the government, in the case of Sir John Melville and his friends, gave expression rather to bitter feelings against England than to religious persecution.

¹ Crawford's Peerage, p. 325.

² Vol. ii. of this work, pp. 2, 3.

³ Vol. iii. of this work, pp. 93, 94.

⁴ 1st July 1549, *ibid.* pp. 90, 91.

The fate of Sir John Melville was made the subject of an epigram by John Johnston, a poet who wrote about half a century later, and who thus celebrated the laird of Raith among other Scottish heroes. It proceeds on the assumption of his innocence.

JOHANNES MALVILLUS, RETHIUS,

Nobilis Fifanus, Jacobo V. Regi, olim familiarissimus summa vitæ innocentia, ob puræ religionis studium in suspicione falsi criminis iniquissimo judicio sublatus est, anno Christi, 1548.

Quidnam ego commerui? Quæ tanta injuria facti?

Hostis ut in nostrum sæviat ense caput?

Idem hostis, judexque simul. Pro crimine, Christi

Relligio et fædo crimine pura manus.

O secla! O mores! scelerum sic tollere poenas

Ut virtus sceleri debita damna luat.¹

Sir John Melville was twice married. His first wife, who has hitherto been overlooked by genealogists, was, as already stated, a daughter of Sir John Wemyss of that ilk. They were married about July 1503. Nothing further has been discovered regarding Sir John Melville's first wife, but that she had issue.

Sir John Melville's second wife was Helen Napier, who is said to have been the daughter of Sir Alexander Napier of Merchiston.² When they were married has not been ascertained, but probably about the year 1525. She survived her husband for several years. As already stated she received a letter from the Regent Arran, permitting her and her children to remain at Raith for some months after Sir John's death. At a later date she was still occupant of the lands, as appears from a statement on her behalf in an appeal against an ecclesiastical censure which had been pronounced against her.

This arose out of a demand which was made upon her for payment of the twelve merks of annual rent formerly referred to as bestowed by Sir John

¹ "Heroes ex omni Historia Scotica Lectissimi," by John Johnston, 1603, pp. 28, 29; cf. Pitcairn, i. 341*.

² So the genealogists; but in a memoran-

dum of the family, dated 1575, she is said to be niece of the laird of Merchiston, and her mother a daughter of the laird of Craigmillar. Neither statement has been verified.

Melville in 1506 on behalf of the deceased Thomas Moultray of Markinch, and which was claimed for the year 1549 by a chaplain of the parish church of Kinghorn. In support of his demand he procured letters of excommunication, against which Lady Melville appealed on the following grounds: First, that she as occupier and cultivator of the lands over which the sum was secured should not be required to pay it, because before Whitsunday 1549 the lands had fallen into the hands of the Regent Arran and the abbot of Dunfermline, as superiors, in consequence of the death of her husband, and the subsequent confiscation of his lands and goods. Second, that though the annual rent, if granted by the lairds of Raith, was still leviabie from the lands, these had reverted to the superiors as if they had never been granted, and therefore unless the annual rent had been mortified in perpetuity, it was no longer exigible. Thirdly, the appellant states, that although she cultivates and labours the lands in question or part of them, she does so by the tolerance and forbearance of the regent and other superiors, wherefore she alleges she should the less be called upon to pay the annual rent; and she further concludes with announcing an appeal to the Holy See, requesting the usual letters to enable her to do so. These were afterwards granted by the Official of St. Andrews, but the sequel is not recorded.¹

Helen Napier, Lady Melville, with her eldest son, John, and her second son, Robert Melville, succeeded in 1563, in obtaining from parliament a reversal of her husband's forfeiture, which has been already referred to. In 1569 she purchased from David Hamilton, son of the former regent, now Duke of Chatelherault, and received a charter to herself and her son John, of the lands of the abthanery of Kinghorn Easter, now Abden, upon which infeftment followed in due form.² She was still in possession of these lands in May 1584.

Sir John Melville by his two wives had a numerous family. According to a genealogical memorandum preserved in the family, dated about 1690, he had by his first wife sons and daughters, but the sons deceased; while by his second wife, Helen Napier, he had nine sons and two daughters. Seven of these sons and three daughters are named below, but the others are said to

¹ Appeal, 30th March 1550, vol. iii. of this work, pp. 92-95.

² Charter, dated 1569, and Sasine, 28th August 1570, both in Melville Charter-chest.

have died young. This memorandum has been followed in preference to other notices of the family, as to the ages and successions of the sons, it being more in accordance with the ascertained facts.

1. William Melville, who predeceased his father. His place in the family pedigree has been mistaken by genealogists, probably because so little is known of him. He was apparently the son of Sir John by his first wife Margaret Wemyss. In 1541, Robert Douglas of Lochleven made overtures for the marriage of William Melville to his sister, Margaret Douglas. Sir John Melville, however, hesitated to complete the transaction without the consent of King James the Fifth, but this was accorded and the marriage was solemnised.¹ Sir John Melville made a settlement on his son and his wife, at Lochleven in July 1544, of part of the lands of Pitconmark,² but William Melville did not long survive his marriage, dying apparently about 1547, the last recorded reference to him being on 5th March of that year, when he was a member of an assize in an action of apprising.³ He left no surviving issue, as his father's estates, when restored, passed to his next brother. His widow, Margaret Douglas, was still alive in May 1584.
2. John Melville, eldest son of Sir John Melville and Helen Napier, who succeeded to the family estates. A memoir of him is given on a later page.
3. Robert Melville, second son of the second marriage, born apparently in 1534. He is well known as Sir Robert Melville of Murdocairnie, and was created first Lord Melville in 1616. A memoir of him will be found on a later page.
4. Sir James Melville of Hallhill. A memoir of him also will be found on a later page.
5. David Melville, designed "of Newmill." His name first occurs as a witness to contracts between his brothers, John and Robert, in 1561 and 1563.⁴ He became a partisan of Queen Mary in the struggles between "king's men" and "queen's men," which took place after the queen's flight to England. He joined Sir William Kirkcaldy of Grange in the castle of Edinburgh in 1570, and next year, along with his brothers, Robert and Andrew, was forfeited by parliament. He held the rank of captain in the queen's forces, being appointed on 5th June 1571, and took part in various engagements,

¹ 3d April 1541, vol. ii. of this work, p. 2.

² Registrum de Dunfermelyn, p. 562.

³ Acta Dominorum Concilii et Sessionis, vol. xxii. f. 152, 5th March 1546-7. He ap-

parently predeceased his brother-in-law, who died about 1548.

⁴ Vol. iii. of this work, pp. 102, 109; Registrum Magni Sigilli, vol. iv. No. 1507.

but he does not appear to have joined in the last defence of the castle of Edinburgh in 1573.¹ A pacification was concluded at Perth in February 1572-3, between the Regent Morton and the Hamiltons, and to the benefit of this David Melville was admitted in 1579.² Other references to him chiefly relate to his lands. Among other possessions he held the small estate of Prinlaws, in the parish of Leslie, Fifeshire, from the commendator of the priory of Inchcolm, but his right was disputed by David Reid of Aikenhead, who claimed under a charter from Robert Carnegie of Kinnaird. Melville summoned Reid before the lords of session, and obtained a reduction of Reid's infeftment, and also a decree of removing. Reid, however, renewed the action by pleading a confirmation from the pope in favour of Carnegie, to which Melville objected that this confirmation was forged. The matter was referred to the privy council, and a commission was appointed to examine the validity of the alleged confirmation, but the result is not recorded.³ David Melville acquired the lands of Newmill, from which he was designated some time prior to 1584, as in October of that year he witnessed the contract of marriage between his nephew, Robert Melville younger of Murdocairnie, and Margaret Ker of Ferniehirst, and is there described as David Melville of Newmill.⁴ He died in October 1594, leaving a widow, named Margaret Douglas. He appointed, by his will, dated 7th October in that year, his brother, Sir James Melville, to be tutor "to his bairne, gif God send onie." This expectation was apparently not fulfilled, as in the following January his next elder brother, Sir James Melville of Hallhill, was retoured heir to him, by reason of conquest, in the lands of Prinlaws, while in March 1596 his oldest brother, John Melville of Raith, was retoured heir of tailzie and provision to him in the grain-mill and mill-lands of Dairsie, with the gardens of the chapel of St. Leonard, near Dairsie.⁵

6. Walter Melville, who is named along with his brother David as a witness in 1561 and 1563.⁶ Sir James Melville of Hallhill, in his memoirs, refers to his brother as "one of the gentlemen of the Earl of Murray's chamber," and on one occasion he appears as a witness to a charter by that earl to his

¹ *Diurnal of Occurrents*, p. 218; cf. pp. 238, 257.

² *Acts of the Parliaments of Scotland*, vol. iii. p. 186.

³ 4th January 1586-7, and 27th February 1589-90. *Register of Privy Council*, vol. iv. pp. 133, 460, 461.

⁴ Contract, 24th and 28th October 1584, in Melville Charter-chest.

⁵ Special retours for Fife, Nos. 1519, 1523, 15th January 1594-5, and 4th March 1595-6.

⁶ Vol. iii. of this work, pp. 102, 109.

servitor, John Wood of Tilliedavie, in 1565.¹ He continued in Murray's service when regent, and apparently was at the battle of Langside. It is said he declined in the regent's favour because he gave advice and reproof more freely than was palatable.² He appears to have died young.

7. Sir Andrew Melville of Garvock, of whom also a memoir will be found on a later page.
8. William Melville, commendator of Tongland, of whom likewise a separate memoir is given on a later page.

The daughters of Sir John Melville of Raith were :—

1. Janet (daughter of Margaret Wemyss), who married James Kirkcaldy of Grange, treasurer of Scotland. When he was prisoner in France after the taking of St. Andrews castle, she appears to have been warded with her children, but was released by her father's influence, and was dependent on him for support.³ She survived her husband, dying in February 1560. He died between 24th May 1556, and 1560.⁴ They had issue Sir William Kirkcaldy of Grange, the famous partisan of Queen Mary, with other children.
2. Catherine, who married Brown, and was provided by her father in the lands of Shawsmill. After his death, she received a charter of the lands from David Hamilton, son of the Regent Arran. She died in May 1558, and was succeeded in Shawsmill by her son, John Brown.⁵
3. Janet, probably a daughter of the second marriage, who married James Johnstone of Elphinstone. They had issue two sons, James and Robert Johnstone.⁶ She died in September 1603.

Besides the sons and daughters enumerated, Sir John Melville had a natural son, John Melville, who has been referred to as one of the conspirators against Cardinal Beaton, and whose correspondence with his father led to the latter's execution. Nothing further has been ascertained regarding this John Melville.

¹ 17th January 1564-5, *Registrum Magni Sigilli*, vol. iv. No. 1596. Sir William Fraser, K.C.B., vol. iii. p. 255.

² *Memoirs of Sir James Melville*, p. 260.

³ Cf. vol. iii. of this work, p. 89.

⁴ *Ibid.* p. 97; *The Douglas Book*, by

⁵ Vol. iii. of this work, pp. 90, 98.

⁶ *Registrum Magni Sigilli*, vol. iv. Nos. 1665, 2533; cf. *Memoirs of Sir James Melville*, Bannatyne Club, p. 155.

*From Melville of Raith by Janet
Melville. 1660*

SIR ROBERT MELVILLE OF MURDOCHCAIRNIE, KNIGHT, FIRST LORD MELVILLE
OF MONIMAIL, BORN c. 1527; DIED 1621.

KATHERINE ADAMSON, HIS FIRST WIFE.

LADY MARY LESLIE, HIS SECOND WIFE.

LADY JEAN STEWART, HIS THIRD WIFE.

Sir Robert Melville, the second son of Sir John Melville of Raith and Helen Napier, was one of the most active statesmen of his time, though he is less popularly known than his younger brother, Sir James Melville, who was perhaps more of a courtier than a statesman. He was probably born about the year 1527, and would just reach his majority when his father's fate and forfeiture overshadowed the fortunes of the family. These, however, seem to have brightened when the queen-dowager, Mary of Guise, assumed the regency, as in 1555 Robert Melville, "servand to the quenis grace," appears in receipt, first of a sum of £50 Scots paid by her special command, and later, of a pension of £150 Scots yearly, though what post he held at court is not clear.¹ By some writers he is said to have gone to France and to have become a favourite of King Henry the Second, returning to Scotland in 1562; but Robert Melville, if he visited France at all, had certainly returned thence before October 1559.² In that month he received from King Francis the Second and Mary Queen of Scots a grant of annual-rents over the lands of Hilton of Rosyth, which had belonged to his father. In the charter he is described as the beloved servitor of their majesties, but this may be because he was in the service of the queen-regent.³ In 1560 he entered into various transactions with his brother John, which will be referred to in the memoir of the latter. After the forfeiture of their father was recalled, Robert, in 1564, received from his elder brother a charter of the lands of Murdochcairn in Fife, which, however, he appears to have held before that date.⁴

In the end of 1559, Robert Melville first appears in a political capacity, as a subordinate agent in the mission of William Maitland of Lethington to England on behalf of the Protestant lords of the congregation in Scotland. According to the charter of 1559 above referred to, he was still in the service of the queen

¹ Treasurer's Accounts, May and September 1555; Laing's Knox, vol. ii. p. 361, *note*.

² King Henry the Second of France died on 10th July 1559, and Melville may then have returned to his native country.

³ 10th October 1559, vol. iii. of this work, p. 99.

⁴ *Ibid.* pp. 100-102; Registrum Magni Sigilli, 1546-1580, No. 1507. 14th February 1563-4.

or queen-regent on 10th October of that year. In the end of that month Maitland, who had been secretary of state, left the service of the queen-regent and openly joined the lords of the congregation, to whom it is said he had been for a long time secretly favourable and helpful, and possibly Robert Melville followed his example. The time of their accession to the Protestant party was a very critical period in the history of the Reformation in Scotland. Some months previously the strained relations between the queen-regent and her French allies on the one hand, and the leaders of the Protestant party on the other, had resulted in open war, and at this period the Protestants, to their dismay, found themselves losing ground, unless they received aid from England. The arrival in the Protestant camp of Secretary Maitland and Robert Melville was therefore gladly welcomed, and they were at once employed in the important business of negotiations with England.

At this stage of his career, however, Melville acted more as the messenger between parties than as a principal agent. He returned to Scotland before Lethington as the bearer of the articles which were afterwards formulated into the treaty of Berwick on 27th February 1560.¹ In October of the same year he again acted as a messenger in connection with the embassy of the Earls of Glencairn and Morton with Secretary Lethington to England, to propose a marriage between Queen Elizabeth and the Earl of Arran.² It seems not improbable that Melville at this date was an assistant or special agent of the secretary. Knox, writing in his history under date 1562, says of the proposals about the queen's marriage, that a union with Darnley began to be talked of, and that "it was said that Lethingtoun spack the Lady Margarete Dowglass [Darnley's mother], and that Robert Melven received ane horse to the secretares use fra the Erle of Levenox or from his wyff."³

When, however, Robert Melville next appears in the history of the time, it is on the opposite side to that which the secretary favoured. The vexed question of Queen Mary's marriage had been settled by her union with Darnley, which the secretary supported. But the Duke of Chatelherault, the Earls of Murray, Glencairn, and others, including Sir William Kirkcaldy of Grange, Melville's nephew, determined to oppose the marriage, and Melville joined their party. As is well known, Murray and his supporters, on taking up arms in a hasty manner, found an unexpected force arrayed against them, and were compelled to flee from one place to another. They took refuge for a time at Dumfries, near the English border, and thence, on 10th September 1565, they despatched Robert Melville

¹ Calderwood's History, vol. i. p. 561.

² Thorpe's Calendar, vol. i. p. 164.

³ Laing's Knox, vol. ii. p. 361.

to the English court with an earnest appeal to Elizabeth and her minister, Cecil, to aid them with men and money. Melville's mission was recommended by the Earl of Bedford, Elizabeth's lieutenant on the borders, who had been ordered to help the rebels. But on the real weakness of their party being discovered Murray was told that neither men nor money would be given. Another urgent appeal, however, was addressed through Melville, who had reached the English court, and he returned about the 9th October with the reply that the English queen deplored the situation of the rebel lords, but intended treating with the Queen of Scots, and would help them if mediation failed.¹

This answer was equivalent to the abandonment of their cause, and Murray, with others, took refuge in England, the Earl of Bedford being instructed to give assistance to those who crossed the border. Robert Melville probably also remained in England for a time, as his personal estate was declared to be forfeited. But his brother, Sir James, who remained in favour with Queen Mary, received the grant of his escheat, so that it was not lost to the family.² In December 1565, however, Melville was again in the Scottish court, he and the abbot of Kilwinning negotiating for the rebel lords. The abbot represented the Duke of Chatellherault, while Melville sued on behalf of Murray; but both were unsuccessful in their mission, as the queen refused to pardon them. Sir James Melville and Sir Nicholas Throckmorton, one of her English friends, also besought her to be reconciled to Murray, but in vain. It is said that she would have yielded, but that Darnley's influence was then adverse. Murray refers to the matter in a letter to Cecil from Newcastle: "What Robert Melvil hath done in my action I cannot tell further than this, that, so far as ever I have understood, it standeth worse and worse," adding in a postscript, "Even now, I have received word from Mr. Melvil, that his suit for my poor servants, that they might resort in that country for their feeble affairs, has received a plain refusal; whereof your honour may conjecture what I myself may look for."

But though Robert Melville thus failed in his mission on behalf of Murray his own affairs began to prosper. Owing probably to the influence of his brother with the queen, and also perhaps to his own former services, Melville was received again into favour, and immediately despatched on a mission to England. It would appear also that Lethington stood his friend, although the secretary's influence was waning while Riccio was gaining ground at court. Be that as it may, Queen Mary wrote to Queen Elizabeth, and also to Cecil, explaining that

¹ Thorpe's Calendar, vol. i. pp. 219-222; vol. ii. pp. 827-829.

² Grant to Sir James, 10th November 1565. Register of Privy Seal, vol. xxxiii. f. 125.

³ Original Letter, 15th January 1565-6; Keith's History, App. p. 166.

she had pardoned Melville, and now sent him as her resident ambassador at the court of England.¹

At first his embassy did not wholly prosper. He had scarcely reached London before he received from Queen Mary a letter detailing the conduct of Thomas Randolph, the English resident in Scotland, who had assisted Murray's faction in their rebellion by the payment of 3000 crowns to Lady Murray. This charge was proved true by the testimony of the man who had carried the money and received Lady Murray's acknowledgment. As the queen considered that this conduct was utterly opposed to the office of an ambassador, she had resolved to dismiss Randolph from court, and Melville is to explain her reasons for so doing both to Queen Elizabeth and to the Earl of Leicester.² The facts were stated to Queen Elizabeth, who took offence at the treatment of her ambassador, and sent back Melville to the Scottish court, where he arrived toward the end of March 1566.

During his stay in England events had developed rapidly, and he arrived in Scotland to find Riccio dead, and Murray and his companions again in Scotland, though not received at court. These main events are so well known to readers of history that they need not be here enlarged upon. But it may be noted that it is probably owing to Robert Melville that we owe the preservation in the Melville charter-chest of the original bond or covenant between the Earl of Murray and those with him in Newcastle, and King Henry Darnley, it being agreed on his part that they should return to Scotland, while they pledged themselves to obey him, to secure for him the "crown matrimonial" or right of succession to the throne, and to support him against his enemies, even to slaying them. There is no doubt that Riccio's death is pointed at by the clauses of this bond. We are plainly so told by Lord Ruthven in his narrative of the tragedy, and were other evidence wanting it would be found in the contemporary indorsation of the document, which runs, "Ane band maid be my lord of Murray and certane wthir noble men with him befor the slauchtir of Davie."³ After the murder, and in terms of the agreement, Murray with his friends arrived in Edinburgh, and was favourably received by the queen, but apparently by the time Melville returned to Scotland Murray had by her Majesty's desire retired to Argyllshire.⁴

¹ Keith's History, p. 325; App. p. 119; Thorpe's Calendar, vol. i. p. 228.

² Letter, dated 17th February 1565-6, vol. ii. of this work, pp. 3-5.

³ Vol. iii. of this work, pp. 110-112. This document, with the signatures, has also been

printed in the Maitland Miscellany, but without the indorsations. It is also known from Keith's History, App. p. 120, where, however, it is given in an abridged form.

⁴ Laing's Knox, vol. ii. p. 527.

In the beginning of April 1566, Melville wrote to Queen Elizabeth and also to Cecil, giving particulars of the state of affairs in Scotland and indicating that a reconciliation between Murray, Bothwell, and Huntly had taken place by the queen's agency. Shortly afterwards, in May 1566, we find Melville again on his way to England as Scottish ambassador. His character as such was not at first recognised on the border, as on 23d May he wrote to the English queen and her minister complaining of being detained at Berwick while on his way to treat of matters acceptable to the English court.¹ His mission on this occasion seems to have had important consequences, one of the first of these being an order banishing from England, where they had taken refuge, the Earl of Morton and others concerned in Riccio's murder.

Another matter which engaged Melville's attention was a charge made by Elizabeth and Cecil against the Scottish queen for harbouring, as they alleged, and having dealings with Christopher Rokeby, a rebel and a papist. Henry Killigrew was sent to Scotland to negotiate, but ere he reached that country James Melville joined his brother in England with the news of the birth of her son, afterwards King James the Sixth.² The main incidents of James Melville's visit to London at this time will be told in his memoir, but he also informs us of his brother Robert's diplomacy in regard to the affair of Rokeby, who went to Scotland pretending to be a refugee on account of religion. This, however, was a mere subterfuge, by which, it is said, he imposed on John Lesley, bishop of Ross. Robert Melville, however, by his credit in England discovered that Rokeby was really a spy of Cecil's to find out, if possible, Mary's dealings with English subjects as to her title to the English crown.³ He was thus enabled to give such advice to his sovereign as to her treatment of Rokeby and her conduct towards the English court and ambassador that she escaped the plot laid for her.

James Melville gives us an outline of his brother's advice to Queen Mary, which he himself seems to have conveyed. His own situation at the English court was precarious owing to Rokeby's intelligence to Cecil, so he advised a

¹ Thorpe's Calendar, vol. i. pp. 232, 234.

² A conversation with Sir James Melville at this time, told in a letter by Thomas Bishop, a well-known English emissary, gives the latter's opinion of Robert Melville as "being of good religion, and a quiet gentleman who would make the best between the Princes. . . . In my opinion he is an honest gentleman, and seems as if he would have all things

quiet, and yet prieks for his mistress title as heir-apparent, to which he says her Majesty is more inclined than to any other title, so that his mistress please her Highness and follow her opinion." [State Papers, Domestic, Addenda 1566-1579, pp. 12, 13.]

³ Keith's History, pp. 337-343; Thorpe's Calendar, vol. i. p. 236.

hint to Killigrew as if he were soon to be recalled. Killigrew was to be well treated, while Rokeby was to be detained, and no notice in the meantime was to be taken of the conduct of the Earl of Northumberland or his brother, who had betrayed Queen Mary. Her Majesty was to write two letters to Melville, one to be shown to Elizabeth and the other to Cecil. Above all, the queen was to be careful and circumspect in her dealings, "seeing the great mark which her majesty shoots at." The advice was followed, and when Killigrew, in terms of his instructions, complained against Rokeby, the latter was at once arrested, apparently to the consternation of the ambassador, who at once wrote to Cecil announcing the fact, and expressing the fear that Cecil's letter would be found among the spy's papers. According to Sir James Melville, Rokeby's first apparent success at the Scottish court was owing to the bishop of Ross and the Earl of Bothwell, who did not desire Queen Mary's affairs to prosper under Robert Melville's management, because he was not of their faction.

Another matter of which Elizabeth complained was alleged negotiations between the Scottish queen and the Irish chieftain O'Neil, but the full force of this charge was obviated by Melville's advice that the Earl of Argyll should receive O'Neil or his ambassador as if he were a personal friend, and the queen should appear to know nothing of it. As a result of this diplomacy, Mary was able to write to Melville as he requested. She begins her letter by acknowledging the good news given by his brother James of Queen Elizabeth's friendship and promises. She then states that Mr. Killigrew would be able to satisfy his mistress as to O'Neil and Rokeby. As to her succession to the English throne, she professes to leave that to Queen Elizabeth's own will, and concludes with promises of the utmost amity and goodwill.¹

Soon after this, Robert Melville returned or was recalled to Scotland, where he remained till October 1566, when he was again in London. Thence he wrote to Archbishop Beaton, Queen Mary's ambassador in France, telling of her visit to Jedburgh, and the accident to Bothwell. In his letter, Melville refers to the queen's displeasure with her husband, and the professed intention of Darnley to quit Scotland, in terms which almost suggest that ere the writer left Edinburgh he had been present at the remarkable scene which took place in the palace of Holyrood between the king and queen and the lords of privy council, as narrated by Secretary Lethington to the queen-mother of France.² But while Melville's letter was being written, Mary was lying sick at Jedburgh of the fever, brought on directly by her ride from Jedburgh to Hermitage, and indirectly by

¹ Letter 11th July 1566, vol. ii. of this work, pp. 5, 6; Keith's History, pp. 342, 343.

² Keith's History, pp. 345-350.

mental anxiety about her husband, and other matters. After her Majesty's convalescence, she left Jedburgh about the 9th November, and passing by Kelso and paying a visit to Berwick, she arrived at Dunbar. There, about the 18th of that month, she received important despatches from Robert Melville, as to the offers to be made by Queen Elizabeth through the Earl of Bedford, who was appointed to be present at the baptism of the young prince of Scotland.

These related to Mary's claim to the succession in England; and while the papers bearing on the subject need not be detailed here, it may be stated that it is evident, from the frequent mention of Robert Melville's name, that his concern in the negotiations had been considerable, and that he was trusted by both parties. He does not appear to have come to Scotland for the baptism of the young prince. Keith expresses the opinion that he came to Scotland in January 1566, and again returned to England in February of that year. The evidence is doubtful; but he appears to have been in England during February, and probably at the date of Darnley's murder.¹

In the following May, however, he was residing at his own house of Murdochcairn, in Fife, whence he wrote to Cecil a private letter as to the state of affairs in Scotland. It is probable that on account of the proceedings following on the murder of Darnley, the mock-trial and acquittal of Bothwell, and the ascendancy he had gained over the queen, Melville thought it prudent to withdraw from court. He and Bothwell had never been very friendly; and though Melville was much attached to his sovereign he now held aloof, or he may have joined the confederacy against her and Bothwell, probably in the hope he might thus do her greater service. In his letter to Cecil, Melville tries to excuse his mistress, ascribing her unaccountable conduct wholly to the influence of Bothwell. He intimates that the confederate lords, who were now at Stirling, meant to ask assistance from Elizabeth, because the murdered king was her relative, and he believes "easy help shall obtain the queen's liberty, and in like manner have the murderers of the king punished. Thus far," he adds, "I will make your honour privy of, that France has offered to enter in band with the nobility of the realm, and to enlist the company of men at arms, and to give divers pensions to noblemen and gentlemen of their realm, which some did like well; but the honest sort has concluded and brought the rest to the same effect, that they will do nothing which may offend your sovereign without the fault be in her Majesty; and it appears both Papist and Protestant join together with an earnest affection for the weal of their country." Melville concludes by stating that all believed the mar-

¹ Keith's History, p. 369; Calendar of State Papers, vol. i. p. 243.

riage would soon take place, and by again representing Mary's conduct as the result of evil advice.¹

The marriage of Mary and Bothwell took place on 15th May, eight days after the above letter was written. It is said that on the night before the ceremony Mary gave her consent to a bond, a copy of which is in the Melville charter-chest, subscribed by Huntly, Argyll, Morton, and several other noblemen, with a number of prelates, promising to support the queen if she married Bothwell. This was the famous bond described by Buchanan as signed at "Ainslie's supper," or a supper at Ainslie's tavern, on the evening of the 19th April 1567. That is the date of a copy which is preserved in the Cottonian Collection, and which has appended on a separate paper a list of alleged subscribers, including the Earl of Murray. Keith, however, in his history impugns the accuracy both of the date and of the signatures of the copy in question, and supports his contention by quoting a copy then in the archives of the Scots College in Paris, certified by Sir James Balfour of Pittendriech as authentic, which bears a different set of names, and is dated on the 20th April, which was a Sunday. This attested copy referred to by Keith is corroborated by the copy in the Melville charter-chest, probably at one time in Robert Melville's own possession, and which agrees with that formerly in the Scots College in date and signatures. This is an important fact, as it seems to disprove Buchanan's story about the bond being signed after a convivial meeting on the evening of 19th April. The list of subscribers in the Cottonian copy is certainly erroneous, as it includes Murray, who was then out of Scotland. But if the bond was signed on the 20th April, it must have been done deliberately, and reflects more strongly on those who signed it, a deed which they repented almost immediately afterwards.² It may be added that the queen, in letters which she wrote to France and England excusing her marriage, treats the

¹ Letter, 7th May 1567; quoted by Tytler, *History*, 3d ed., vol. v. pp. 406, 407; *Calendar of State Papers (Foreign)*, at date.

² Keith's *History*, pp. 380-383. The copy of the bond in the Melville Charter-chest is contemporary, and is indorsed, "Ane band mayd concernyng the erle bothwell," "Ane copie of the Band subservyit with the noblemen for taking part with the Erle Bothwell." It bears to be signed by "George erll of Huntlie, Argyll, Mortoun, Cassillis, Sutherland, Erroll, Craufurd, Caithlmes, Rothes; R. Boyd, Herys, Johne l. glammis, James l.

Ogilvy, W. Ruthven, Flemyng, Sempill." These are the noblemen who are supposed to have signed it first, and Buchanan says the bishops signed it later. Their names on the copy are, "Sanctandrois, William bishop of Abirdene, Alexr. Episcopus Candidæ Casæ, William bishop of Dunblane, Alexr. Epus. Brechinensis, Joannes Epus. Rossen, Johne bishop of th' yllis, Ad. Orcaden." It is possible that the original bond was signed by all together on the 20th, and that the tavern supper was afterwards put forward as an excuse for those who were ashamed of their share in the bond.

document as a writing signed by the Estates in Parliament, but this is probably a diplomatic statement, intended to palliate her own weakness.

Melville was recalled from his retirement to be the bearer of the queen's letter to the court of Elizabeth. Three days after his letter to Cecil already quoted, he wrote in similar terms to Sir Nicholas Throckmorton. He was then still in Fife, but on the 17th May, two days after the queen's marriage, we find him in Edinburgh,¹ and in the beginning of June he was on his way south, with his instructions. These set forth chiefly the political necessities which, according to the writer, brought about the marriage. Mary also excuses her haste and not asking Elizabeth's advice, and she begs the latter to extend her friendship to her new husband. Such were Melville's public credentials, but he appears to have received others, similar in character, but more confidential. Bothwell also wrote to Elizabeth and Cecil by the same messenger.²

A recent historian, commenting on Mary's despatch to Elizabeth, remarks that her choice of an envoy was unfortunate, "Robert Melvil, the secret but determined enemy of Bothwell, and one of the principal associates in the confederacy against him and herself." The writer further asserts that Melville availed himself of the confidence with which he was treated to reveal Mary's purposes to his confederates, and in the execution of his mission acted for both parties. Besides Mary's despatch to Elizabeth, it is said that Melville carried letters from the lords of the coalition, and that Morton described him to Elizabeth as their trusty friend.³ This serious charge against Melville is, however, founded on very slender evidence. It is true that Melville was opposed to Bothwell politically, and it is probable he sympathised strongly with the cause of the confederates, but there seems no reason to accuse him of treachery to the queen. His letter to Cecil, upon which part of the charge is apparently founded, is that of a news-writer more than of a partisan, and at its date the marriage had not taken place and might yet be prevented. The other accusation, that he betrayed Mary, is supported by no evidence, while the statement that he was recommended to Cecil by the confederate lords is somewhat doubtful, as at the dates quoted by Tytler, Melville was on his way home, and the reference to him by Morton appears to relate to his letter to Cecil.⁴ The English secretary does indeed write to the English ambassador in France of a packet of letters left by Mr. Melville, "who lately came hither from the Queen of Scotts," and which Cecil

¹ Thorpe's Calendar, vol. i. p. 246 ; vol. ii. p. 840.

² Letters, dated 1st June 1567, Calendar of State Papers, Foreign, at date.

³ Tytler, History of Scotland, 3d ed. vol. v. pp. 417, 418.

⁴ Thorpe's Calendar, vol. i. pp. 248, 249.

forwarded to the Earl of Murray, then in France. The earl's presence, he writes, was earnestly desired both in Scotland and in England.¹ If this were so, and Melville was the bearer of the packet, he, no doubt, believed he was furthering the welfare of his country, but in so doing he did not neglect the queen's service, and, as later events show, he was one of her most faithful adherents during her troubles.

A letter of the same date as Cecil's, written to Melville himself by one of his agents, does indeed charge him with having "done ill to declare himself so openly in the lords' affairs, for somewhat has come to the knowledge of the French ambassador," but it is not very clear what is referred to, as Melville had already left London, and reached Berwick two days after the letter was written.² He arrived in Edinburgh on the 29th of June, and found the confederate lords in full power, while the queen was a prisoner in Lochleven. He brought a message to her from Elizabeth condemning her marriage, but promising, since her nobility had separated from her, to do everything proper for her honour and safety.³ He also, however, bore a message to the confederate lords, which encouraged them, but their immediate want was money, for which Melville wrote to Cecil at once, on his return, after communicating with Maitland of Lethington.⁴

Two days after his return Melville had an interview with the captive queen, when he delivered his message from Queen Elizabeth, but was not allowed to see Mary alone. After this meeting he retired to his own residence in Fife, but a week later he again saw the prisoner, this time alone; and according to his own account, endeavoured to persuade her to give up Bothwell, but without success. On 17th July he made another attempt, and delivered a letter from Sir Nicholas Throckmorton also advising her to renounce Bothwell, but Mary again refused to desert her husband. She even requested Melville to procure the delivery of a letter to Bothwell, which he declined to do, and she threw the document into the fire.

Melville also had frequent interviews with Throckmorton, the English ambassador, who was not permitted to have access to the Scottish queen, but who contrived to send messages to her by Melville. In one of their conferences, Melville reminded the ambassador that Queen Elizabeth had promised, in presence of her council, that Throckmorton should have commission to aid the lords with money, and to further their proceedings against the murderers of Darnley. Melville thought that a sum of money would secure the attachment of the confederates to the English interest, and make them more willing to listen to

¹ Letter, 26th June 1567; quoted by Keith, p. 442, note.

² Thorpe's Calendar, vol. i. p. 249.

³ *Ibid.*

⁴ Thorpe's Calendar, vol. i. p. 251. July 8th.

Elizabeth's negotiations on behalf of Mary. Lethington was also to confer with the ambassador on the same subject; and there can be no doubt that Lethington and Melville both secretly favoured Queen Mary, and were favourable to her restoration to power on certain conditions.¹ This was not, however, the opinion of the majority of the confederates, who determined to force the queen to demit the government, and appoint the Earl of Murray to act as regent during her son's minority. It was at first resolved to send Melville to persuade her to this course; but he, his brother James tells us, "refused flatly to meddle in that matter." Lord Lindsay was then despatched with sterner instructions, but Melville accompanied or preceded him, and communicated to her the advice of Lethington, Grange, and others of her friends, that she should sign the writs, remembering that nothing done by her in prison would prejudice her if she regained her liberty. Throckmorton also wrote to her, giving the same advice, in a letter which Melville carried in the scabbard of his sword. Mary hesitated, but at length consented, and signed the documents which Lindsay placed before her, though with many tears and protests of what she would do were she at liberty.²

This was on 24th July, and a few days later Melville wrote to Queen Elizabeth, that though her ambassador had not been admitted to Mary, he had led her to understand his sovereign's goodwill. He advises gentle dealing in Scottish affairs. This letter was written from Edinburgh on the very day the young prince was crowned at Stirling; but the English ambassador states that Melville was not willing to assist at the ceremony, and remained in the capital.³ On the 14th August the English ambassador wrote that he had again been able through Melville to communicate with Mary, who had replied, though with some difficulty.⁴ On the 15th of that month, the Earl of Murray, who had returned to Scotland, visited his sister at Lochleven, when she implored him to accept the regency, and afterwards resigned to him her jewels and other valuables to remain in his custody. In connection with this, Valentine Brown, afterwards Sir Valentine Brown, wrote from Berwick to Cecil that Robert Melville had applied, as if from the lords in Scotland, to borrow money, declaring that Queen Mary had committed to Murray her jewels which should be pledged. Brown adds, "It seems that Melville, sorrowing his mistress' cause, will in no wise be known to be any means (medium) herein."⁵

¹ Sir N. Throckmorton to Elizabeth, 19th July 1567. Keith, pp. 420-424.

29th and 31st.

⁴ *Ibid.* 14th August 1567.

² Keith's History, p. 425, note (b).

⁵ Calendar of State Papers, Foreign, 1st

³ Calendar of State Papers, Foreign, July

September 1567; Keith, p. 458.

It would appear that Melville travelled to Berwick in the suite of the English ambassador, who at that date left Scotland. His visit to Berwick at this time explains the delay referred to in Queen Mary's letter to him of 3d September. She writes to him to send certain dress material and various gowns and articles of raiment for herself and for her attendants. Clothes for them are urgently requested, shoes, cambric and linen, with needles. She also asked that some fruit, plums and pears, should be sent, and she marvels that he had not sent her the silver promised.¹ Melville seems to have replied by a letter to the laird of Lochleven, begging to be excused to the queen on account of absence from home;² but her orders were no doubt attended to, as at a later date, Drury writes to Cecil that "Robert Melville has often recourse to the queen. . . . She calls now and then for some money, a small portion Robert Melville from the regent brings unto her."³

On 18th September 1567, Robert Melville received sasine of the office of keeper of Linlithgow Palace, which had been bestowed on him in the previous February, but of which he had never obtained formal possession.⁴ During the remainder of 1567 and the first months of 1568 no reference is found in any contemporary document to Robert Melville, who probably continued to act as a friend of the captive queen, and a messenger between her and the regent. He is named, however, among those of her partisans who rallied round her at Hamilton after her escape. Mary reached Hamilton on the 3d of May, and five days later no fewer than nine earls, nine bishops, with eighteen considerable barons and others of less note, had gathered to her standard, representing a force of 6000 men. The leaders bound themselves to support her authority, and to defend her person and government. Finding herself thus befriended, she constituted a council, and declared to them that her demission of the government and appointment of the Earl of Murray were wrung from her by force and fear during her captivity. For a witness of this statement she appealed to Robert Melville, who had been present at her signing the writs in question. In terms of their joint testimony a remarkable document was drawn up, by which the queen revoked the deeds signed under compulsion, and makes, or promises to make, other arrangements for the government of the realm.

This document, to which Robert Melville thus contributed, has been overlooked by historians, and although Keith mentions the fact, he was apparently unaware of a written revocation, of which only one copy, a contemporary

¹ Letter, 3d September 1567, vol. ii. p. 7.

² *Ibid.* p. 232.

³ Calendar of State Papers, Foreign, 30th September 1567.

⁴ Vol. iii. of this work, p. 116, *note*.

copy, if not the original draft, is known to exist, having been preserved by Thomas Hamilton, first Earl of Haddington, whose father was an ardent supporter of Queen Mary. It begins in the form of an address to all kings, princes, and magistrates, the queen's friends, setting forth the conspiracy against her, and denouncing the perpetrators and the confederate lords by name, from the Earls of Morton and Murray to the meanest member of their party. Then follows a statement of alleged practices against the welfare of the family of Hamilton, and a vindication of the late King Henry Darnley. A formal revocation of the writs signed in Lochleven is succeeded by an appointment of the Duke of Chatelherault and his heirs as protectors and governors of the realm and of the young prince, in the absence of the queen, who also acknowledges the title of the duke and his heirs to the crown. The conclusion requires all kings and princes, and also charges her own subjects, to help and support her cause.¹

The date of the document is left blank, and there are indications that it was purposely so left, and that the writ was not in itself final, but was intended to be brought before a parliament for ratification. The remarkable points about it are the extraordinary force of vituperation which is expended on the leaders of the king's party, and the vindication of Darnley, who is described as the victim of slanderous tongues. The Duke of Chatelherault is referred to as the queen's dearest "father adoptive," and the whole writ is in praise of the Hamiltons, being doubtless written by one of the name, perhaps by the archbishop of St. Andrews.

After the queen's party had thus expressed their sympathy with her, it was resolved to march towards Dumbarton Castle, where it was proposed that Mary should remain until a parliament could assemble, or her subjects be drawn to her allegiance. But, as is well known, this plan was frustrated by the prompt action of the regent, who met the queen's army at Langside, and in the conflict which ensued her party was defeated. Mary fled, first towards Dumbarton, then towards the south, and Robert Melville was among those taken prisoners. It does not appear that he was long a captive, as his brother and other friends were of the regent's party, and he was probably not considered as a combatant, as he had so frequently acted the part of a diplomatist.

It is indeed in the capacity of an envoy that he next appears in history. Mary by her flight into England having put herself in the power of Elizabeth, it was resolved by that queen and her advisers not only to detain her in custody, but that she should in a manner be brought to trial, and Murray given an opportunity to produce evidence against her as to the murder of Darnley.

¹ Memorials of the Earls of Haddington, 268-277 ; also *The Lennox*, vol. ii. pp. 437-447. by Sir William Fraser, K.C.B., vol. ii. pp.

Commissioners were appointed by Elizabeth to try the cause, while Murray on one side and Mary on the other were each to name commissioners to appear for them, the trial to take place at York. While preparations were making for this event, Melville was sent by Lethington to Queen Mary with a message of the utmost importance. He advised her that Murray meant to bring against her accusations of the most serious kind, and enclosed copies, secretly obtained, of the letters which were to be produced in proof of her complicity in the murder of Darnley. These letters were the famous documents known as the casket letters, which appear to have then been communicated to her for the first time. Lethington was evidently impressed by them, as he assured her that nothing but a desire to do her service had induced him to come into England,—he was not a commissioner,—and he begged the queen to tell him by Melville what he should do. Mary, however, in her reply took little notice of the letters, but simply requested him to use his efforts to stay Murray's accusations, to labour with the Duke of Norfolk in her favour, and to give full credit to the bishop of Ross.¹

Mary was very confident of a verdict in her favour, chiefly because the Duke of Norfolk was the principal commissioner, and, according to her own words, "she understood of the duke's goodwill towards her, and the bruit was also spread abroad of a marriage betwixt the duke and her." This was, indeed, a project which had been fostered if not originated by the fertile brain of Lethington, who employed Melville as his active instrument in the matter. He it was who dealt with Mary at first, and brought about a meeting between her agent Lesley, bishop of Ross, and Lethington in the latter's lodgings at York, when they "talked almost a whole night" on the subject.

Melville was again with Queen Mary on the 15th October 1568, when he delivered to her her jewels, clothing, and horses which he had received in custody from her while she was in Lochleven. She granted a receipt for these, acknowledging also his faithful service.² Melville at the same time engaged in a more delicate negotiation with the queen. The Conference had met at York, and, besides other evidence, Murray had privately shown to the English commissioners the famous casket letters. These, however, had not yet been publicly produced, nor had a formal accusation been made. Murray and his fellow-commissioners were doubtful what course Elizabeth might pursue, as her commissioners had no power to decide the case. The alternative before the Scotch commissioners is thus stated in a letter from the Earl of Sussex to Sir

¹ Tytler's History, 3d ed. vol. vi. pp. 58, 59; Cobbett's State Trials, vol. i. 975, etc.

² Receipt, Bolton, 15th October 1568; vol. ii. of this work, p. 8.

William Cecil: "This matter must at length take end, either by finding the Scotch queen guilty of the crimes that are objected against her, or by some manner of composition with a view of saving her honour." Further on in the letter he says, "They (the Scotch commissioners) intend to labour a composition, wherein Lethington was a dealer here, hath by means dealt with the Scotch queen, and will also, I think, deal there, and to that end you shall shortly hear of Melville there, who is the instrument between Murray, Lethington, and the queen to work this composition."¹

This was the delicate negotiation on which Melville now entered with Queen Mary. He was authorised by Murray to propose a scheme by which all necessity for accusing her should be removed and an amicable compromise take place. She was to ratify her demission which had been signed at Lochleven, to confirm Murray in his government, while she was to remain in England under the protection of Elizabeth, and with a revenue suitable to her dignity. If she agreed to these conditions Murray promised to be silent. Mary at first demurred to accept such terms, but was at length convinced by Melville's arguments that the course proposed was the best for her interest and honour.² She therefore dismissed him to carry her consent to Murray, with a letter to Queen Elizabeth, and despatched her commissioners to London, whither the conference had been adjourned.³

As is well known, the intended compromise failed by Murray being forced to produce his accusation, but the secret negotiations with Norfolk were continued, and conferences about the proposed marriage took place between him and the bishop of Ross. In these also Melville was the medium of communication with Queen Mary, as the bishop of Ross afterwards stated that, in October 1568, besides the proposals for compromise already referred to, Melville brought messages from Lethington as to interviews with the Duke of Norfolk on the subject of the marriage which Lethington strongly encouraged. Melville again was the messenger employed by Murray in regard to the same affair at a critical moment. It is difficult to know how far Murray entertained the proposal of a marriage between Mary and Norfolk, but it is said that hearing of a plot for his assassination on his way back to Scotland, he renewed his intercourse with Norfolk, which had been broken off, and appeared to give his consent to the union. Not only so, but he despatched Melville to Queen Mary with an

¹ Letter, Sussex to Cecil, from York, 22d October 1568, printed in Hosack's *Mary Queen of Scots*, 1st ed. p. 516.

² Melville's declaration, cited by Tytler, 3d ed. vol. vi. pp. 65, 66.

³ *Ibid.*; Thorpe's Calendar, vol. ii. p. 862, 25th October 1568.

intimation of his approval, with the result that Norfolk gave strict orders that Murray was to be allowed to return in safety to Scotland.¹

The regent did return to Scotland in the end of January or beginning of February 1569, but whether Melville was then in his retinue does not appear. The next reference to him is in a letter from Sir William Drury to Cecil in October 1569, where the writer states that "Robert Melville brought the queen's mind to Lethington;" but from the letter it is not clear what queen is referred to. At this time Lethington was in the castle of Edinburgh, nominally a prisoner accused of the murder of Darnley, though really under the protection of Kirkcaldy of Grange, who was then beginning to espouse the queen's cause, and it is probable that Melville also was inclining to throw in his lot with them. That he did so at a later date is certain.

Nothing is known of his history during the intervening period, but in May 1571 he was with Kirkcaldy and Lethington in the castle of Edinburgh, and was looked upon as holding an influential position among his party. This is evident from an application made to him by his brother-in-law, Johnstone of Elphinstone. A day or two previously a skirmish, the first actual outbreak of warfare between those known as the Castilians and the king's party, had taken place near Edinburgh. The fight led to a mutual declaration of war between the opposing factions, and the friends of John Knox, then resident in Edinburgh, became alarmed for his safety, as the whole town was virtually at the mercy of the commander of the castle. Robert Melville was therefore earnestly desired by letter to have a care that Mr. Knox should not be troubled. He replied, that although Knox had used those of the castle otherwise than they deserved, yet they meant no harm to him, but because the mob could not be entirely controlled, he advised, either that Knox should repair within the fortress, or else that he should go to the house of some friend, there to stay till the troubles ended. Melville's brother-in-law then promised to procure Mr. Knox's safe removal, which was effected a few days later.²

Edinburgh now became the centre of one of the bitterest civil wars on record, and from this date onward constant attacks and counter attacks, with much bloodshed and great hardship to innocent people, took place between the king's party and those in the castle. Robert Melville is nowhere mentioned as taking part in active hostilities, but he is named by Sir William Drury to Lord Burghley, first in connection with the so-called parliament, held on 12th June 1571 by the Duke of Chatelherault, Kirkcaldy of Grange, and others. He is also

¹ Lesley's examination, Cobbett's State Trials, vol. i. pp. 979-982; Tytler, vol. vi. p. 87.

² Calderwood's History, vol. iii. pp. 72, 73.

spoken of some weeks later as a probable envoy from the queen's party to the English court. He was, however, refused a safe-conduct by the Regent Lennox, who was swayed by Morton, because he was considered "a great enemy to the king's cause," and on 3d September 1571 he was still in the castle, detained by the "danger of the passage."¹

On that day the attack on Stirling was made, in which the Regent Lennox was slain, an event which, although the Earl of Mar was chosen to succeed, threw the actual power still more into the hands of the Earl of Morton, who was a bitter enemy to the queen's party, and especially to those in the castle of Edinburgh. The civil war raged with greater intensity, notwithstanding the efforts of the English queen to reconcile the contending factions. In July 1572, a peace was concluded for two months by the mediation of Sir William Drury, and Monsieur La Croc, the French ambassador. In bringing about this truce Melville seems to have used his influence, as in one letter Drury writes to Cecil that "Robert Melville and Lethington guide Grange." Owing to Lethington's physical infirmity Melville was the active diplomatist, and held interviews with the Regent Mar and his council. After the truce was proclaimed, Melville expressed to Lord Burghley his pleasure that Grange had been allowed by Elizabeth to retain command of the castle of Edinburgh.²

About a month later the party in the castle had resolved to send Melville as their envoy to England, but ere he was despatched the whole political horizon was darkened by the news of the massacre of St. Bartholomew. On learning the facts, Melville expressed in a letter to Drury his deep regret at the tragedy, adding a hope that the troubles may be quieted, as great practices seemed to be used for the overthrow of religion.³ Not only as a staunch Protestant but as a partisan of Queen Mary, Melville had good reason to lament the massacre and its effect upon the opinions of the English queen in regard to his party. On the news of St. Bartholomew reaching England, Killigrew was despatched to Scotland, ostensibly with a message to both parties warning them against foreign invasion, but secretly with a mission directed against the life of the captive queen. The latter object was not carried out, partly owing to the illness and death of the

¹ State Papers, Foreign, 17th June, 30th July, 4th August, and 3d September 1571. On 30th August 1571 Melville, along with others of his faction, was forfeited by the regent. What his possessions were is nowhere stated, but he had then, in addition to Murdochheairnie, the tower and fortalice of Burntisland, and the power of drawing the

customs of the port there, which were during his forfeiture given to David Durie of that ilk. [Registrum Magni Sigilli, 1546-1580, No. 1983, 15th November 1571.]

² State Papers, Foreign, 18th July, 20th July, and 2d August 1572.

³ Letter to Drury, 11th September 1572. Thorpe, vol. i. p. 361.

Regent Mar, but Killigrew's agency brought about another result, a reconciliation between the Hamiltons, Argyll, Huntly and other members of the old queen's party, and the regent—a result, however, from which Grange, Lethington, and Melville, with the other Castilians, were excluded. They were at first invited to join, and Robert Melville wrote to Killigrew apparently indicating the spirit in which they would come to terms. He assured the English ambassador that he and his companions meant truly and faithfully to join themselves in friendship with the rest of the country for the preservation of religion and avoiding of strangers. As he was a Christian, they meant no otherwise, but to make a present end, craving nothing but surety in times to come, and not intending to perform any of those designs which their enemies invented against them, and their reasonable offers are hindered.¹

We learn something of these reasonable offers from a letter of Killigrew's to Lord Burghley, stating that Grange and Melville were in favour of peace, if assured of their lives and restoration of their property, the castle being continued in Grange's keeping. This was while Mar was still regent, but his death a few days later threw the government into the hands of the Earl of Morton, who had not only a grudge against Kirkcaldy of Grange, but was firmly convinced that Edinburgh castle could not with safety be continued in his hands. The truce, however, between the parties, was prolonged until the 1st of January 1573. During this cessation of hostilities John Knox, who had returned from St. Andrews, died at Edinburgh on the 24th November 1572. Before his death he sent an earnest warning to Kirkcaldy to give up the castle, prophesying that if he did not, his fate would be a tragic one. The messenger reported that Kirkcaldy was a little affected, Lethington scornful, but that Melville was somewhat moved.² He seems to have felt the position more keenly than most of his party.

When hostilities recommenced, the Castilians found themselves almost the sole supporters of the queen in Scotland. Even under the guns of the castle, for Kirkcaldy could no longer hold the town, the king's party were able in safety to hold a parliament, which passed an act of indemnity for all the queen's former adherents who now conformed to the new regime. While the estates were in session they were much annoyed by the guns of the castle, yet Robert Melville wrote to Killigrew objecting to a proclamation which he alleged was unfairly set forth against his party, that they had refused all reasonable conditions. He begged the English ambassador to cause the truth be known, to which Killigrew replied that he would place their demands before the parliament as best he could,

¹ Thorpe's Calendar, vol. i. p. 362, 1st October 1572.

² Burton's History of Scotland, 2d ed. vol. v. p. 127.

but adding that if their public deeds deserved the love of the people no papers would cause their hate.¹

The castle party were further distressed by the fact that the aid which about this time was sent from France was intercepted by a stratagem of Sir James Balfour, and all their hopes from that quarter were disappointed. In the end of March Killigrew made another attempt at agreement by sending to the castle the articles of pacification which had been signed at Perth with other members of the queen's party, and urging an answer. He assured them that they would never again have the like offer, that they have no hope of support, and that if they do not yield they will feel the cannon within eight days. This was the last manifesto, and it was rejected, although Killigrew wrote to Lord Burghley that they all seemed ill with overworking and watching, and Robert Melville much amazed in his mind. Three days later he wrote again that Melville and others would gladly quit the fortress if they could do so with honour.² A few days later, all negotiations being repelled by the obstinacy of the Castilians, who now felt bound to fight to the bitter end, the siege operations began, and we hear nothing more of Melville until the English cannon had done their work, and part of the castle had been carried by storm. A general assault was planned, but, at this juncture, Grange requested from Drury, the English leader, a truce of two days to prepare for a surrender. This led to an interview in which Melville took part. He and Grange with Echlin, the laird of Pittadro, were let down from the castle by ropes, and, as a condition of surrender, desired surety for their lives and livings, that Lethington and Lord Home might be allowed to go to England, and Grange remain unmolested in Scotland.³

These conditions might have been yielded by Drury, but the Regent Morton scornfully rejected them, and while he agreed that the main body of the garrison might go free, he specially excepted Grange, Lethington, and Melville, with Lord Home and five others of less note, who were required to submit unconditionally. The result was that two days later Grange, Melville, and the others, by a private arrangement with Sir William Drury, surrendered to him, and were courteously received. As is well known, however, they were a few weeks later, by the orders of Elizabeth, delivered to the Regent Morton. But in her letter to the regent, while referring the case of the other prisoners to him and the laws of Scotland, the queen made a special exception of Robert Melville, whom she had known as one who dealt sincerely. She cannot think that he has fallen away from all his

¹ 23d and 24th January 1572-3; Thorpe's Calendar, vol. i. p. 366.

² *Ibid.* p. 371; State Papers, Foreign, 30th March 1573.

³ State Papers, 27th May 1573; cf. Burton and Tytler.

fair promises, and she asks that favour may be shown to him and no extremity used in the meantime.¹ Thus it came about that while Grange and others were executed, Robert Melville, although imprisoned for a time, was finally set at liberty a year later. He was placed in custody, first in Holyroodhouse and afterwards in Lethington House, now known as Lennoxlove. The English queen and her ministers continued to urge the regent on his behalf, and in August 1574 he writes from his own house in Fife to the Earl of Leicester, expressing his gratitude to Queen Elizabeth for her efforts by which he had obtained life and liberty.²

For the next few years Robert Melville appears to have lived in retirement. But while this was the case, he and those of his former comrades in the castle of Edinburgh who survived still kept their attachment to the queen's faction. A contemporary historian says of Robert Melville and John Maitland, afterwards chancellor, that "howbeit they were pardoned, yitt they kepted still their minde, interteaning mutual freindship and intelligence, waiting upon all occasions. They advanced indirectlie and secretlie as they could the queen's caus, that is the associatioun with her sone in the governement."³ The historian adds that along with this scheme they cherished a deep enmity to the Regent Morton. While he was in full power as regent and supported by Queen Elizabeth, they remained quiet, but at last an opportunity came. Morton's demission of office in 1578, brought about by Athole and Argyll, enabled these earls, who had been attached to the queen's party, to seize for a time the chief authority. Morton's return to power in another form and the death of Athole somewhat retarded the secret movement in which Melville and his comrades were interested, but they obtained an ally from an unexpected quarter. This was Esme Stewart, Lord d'Aubigny, whom it is said the Marian faction sent for from France. He arrived in Scotland about July 1579, and so fascinated the young king that Morton's influence began to wane, while titles, honours, and estates, were heaped upon the favourite, who was made Earl and afterwards Duke of Lennox. It was probably owing to the rising influence of Lennox that in the first parliament held after his coming to Scotland, an act was passed admitting Melville and others of the old Castilians to the benefit of the pacification of 1573, and thus rescinding the forfeiture of Melville's estates.⁴

We hear nothing further regarding Melville till the following year, during which period the power of Lennox had been steadily increasing, but on September

¹ Letter cited by Burton, 2d edit. vol. v. p. 125.

² 18th August 1574, Thorpe's Calendar, p. 386.

³ Calderwood's History, vol. iii. p. 457.

⁴ November 1579, Acts of the Parliaments of Scotland, vol. iii. p. 186.



1580, Robert Bowes, the English resident at the Scottish court, writes: "John Matland, brother to the lard of Ledington deceased, and not much inferior in witt and practise, and Robert Melvin, are lately entertayned and growe great in counsell and creditt about Lenox, that busseyly seketh all men and all meanes to uphold his greatnes in this realme."¹ This was just after the appointment of Lennox as lord chamberlain, and Bowes forebodes ill from the coming changes.

Two days later, Bowes records that he and Melville, whom he describes as "one especially depending on and well hard of lord Ruthven," afterwards the Earl of Gowrie, had conferred together, and Melville had recounted a conversation with Lord Ruthven. Lord Ruthven, he said, was slow to promise and ready to perform, but had agreed with himself, and had offered to further any course for the king's benefit and to advance friendship with England. He also promised to further any suitable "matche in mariadge" which could be found for the king in England. Melville also urged expedition, because he said, the king had declared to Lord Ruthven his desire to marry speedily, and he offered his own services to forward the matter, to which the Earls of Argyll and Lennox were favourable. It was further added that if the English queen agreed to this they would perform their promises, but if she continued to use her influence against Lennox, her cause would suffer.² Bowes comments that he had received the motion with respect as it came from Lord Ruthven, but he meant still to continue his former course against Lennox. The chief importance of his statement is that it shows that Ruthven and Lennox were then on good terms, or else Melville was playing a double game, more especially as Bowes in the same letter states that those who were formerly friends of Athole had transferred the leadership to Lennox, who had also won over Ruthven and some others.

In Bowes' next letter, he says that Robert Melville, while professing great devotion to Elizabeth, had warned him that his last commission had deeply hurt the king's feelings, and caused Lennox to despair of gaining her Majesty's favour.

¹ Bowes' Correspondence, Surtees Society, p. 131, 25th September 1580. The more rigid Presbyterians afterwards alleged this as an offence against Lennox, that he had procured the court favour for Melville, his brother Sir James, John Maitland and others, who are described as the "most notorious changers of court, and perellous practisers." They are accused of bringing the Regent Murray to his grave and the king's mother into exile, and of

trafficking with France and Spain to pluck the crown from the king's head, to revenge themselves for their loss in the castle of Edinburgh. Terrible results are ascribed to their influence on the king, the death of Morton being one of the least consequences of the alleged enticements of "these pernicious plagues."—[Calderwood's History, pp. 408, 409.]

² Bowes' Correspondence, pp. 133, 134, 27th September 1580.

Melville advised Bowes of the trouble that might arise between the two countries, and as a result of their conference, it was proposed that under certain conditions, subject to the queen's approval, Lennox might be received to favour.¹ Here Melville was clearly acting on behalf of Lennox, and it is probable that the former conversation was really in his interest also.

The next answer from England was unfavourable, and dealt so sharply with the Scottish court that negotiations were broken off, but not before Bowes had done his best to sow dissension between Lennox and Ruthven, which bore fruit at a later date. It was proposed at first to send Melville as an envoy to the English court, but this plan was rejected, perhaps because of his continued attachment to Queen Mary.² Bowes left Scotland for a time, and his accounts of proceedings there for the next two years are not so minute, being written from Berwick or Newcastle. In the interval, Morton's arrest, trial, and execution had been carried into effect, notwithstanding Elizabeth's remonstrances and threats. A few months after his death, when Lord Ruthven was created Earl of Gowrie, on 20th October 1581, Robert Melville received the honour of knighthood.³ Some months later, at a time when others of the old Marian faction were received into favour, Sir Robert was appointed clerk and deputy to the Earl of Gowrie, then treasurer of Scotland, with the usual powers, and with authority to pass signatures under certain conditions.⁴ In August 1582, the raid of Ruthven took place, by which, as is well known, the Earl of Gowrie and his friends became for a time the virtual rulers of Scotland.⁵ The "raid" was very acceptable to the English court, and Bowes was at once sent to Scotland to encourage the new government.

His accounts of all that went on are very minute; but he says so little of Robert Melville that it would seem as if the latter, though retaining his office, did not sympathise with Gowrie's party. This view is strengthened by the fact that as soon as De la Mothe Fénelou, the French ambassador, arrived in Scotland, charged, as was believed, with a special mission, Bowes reports that Melville was one of those who most frequented the ambassador's lodgings. Melville and the others are also said to have such free access to the court that they can give full

¹ Bowes' Correspondence, p. 137.

² *Ibid.* pp. 146, 147.

³ Marjoribanks' Annals, p. 40.

⁴ 13th April 1582, Register of the Privy Council, vol. iii. pp. 478-480.

⁵ Melville's friend, the Duke of Lennox, was compelled to leave Scotland, but before he went, he sold to Melville the lands of

Woodfield, with the marsh or moss of Grange myre, in the barony of Aberdour, Fife. This acquisition was confirmed by the king in November 1582 and July 1583, and the lands were exempted from the estates restored to Ludovic, Duke of Lennox. [Registrum Magni Sigilli, 1580-1593, Nos. 479, 590, 596.]

intelligence to the ambassador.¹ Calderwood corroborates this statement so far by noting that when the French ambassador had an audience of the king, Sir Robert Melville was sent to accompany him to the presence, and he also acted as a messenger on an errand of the ambassador's. It is probable that his knowledge of the French language led to his being appointed to attend on the ambassador, just as his brother Sir James was employed on similar occasions.

Bowes records, in one of his letters a month or two later, that Melville was the means of Gowrie's losing the office of treasurer. The story, as Bowes tells it, is to the effect that Gowrie had taken offence against certain persons who he thought desired to remove him from office; and that by Sir Robert Melville's advice he surrendered his post into the hands of the king, who, contrary to his expectation, accepted his resignation, and caused an act to be made to that effect and recorded. No such act is among the extant records of the privy council, which may be explained by a later statement of Bowes. He says that much interest, his own among others, was used with the king to restore Gowrie. His Majesty stated that the earl had often complained of the burden of office, and that he had been advised to give it to some fit person of less rank. Gowrie had therefore virtually yielded the office a year before, and retained only the name of treasurer, the duties being performed by Sir Robert Melville. The result of the matter appears in an act of council of 20th April 1583, by which Gowrie and Melville are continued as treasurer principal and depute respectively, but ordained to act along with and by the advice of certain persons, including the very men whose conduct had excited Gowrie's jealousy.² How he bore this we learn from Bowes, who, a few days later, writes: "The Earl of Gowrie sticketh still with his office of treasurer, wherein little or nothing was moved at this convention [of estates], so as the matter resteth now at his own choice to retain or surrender at his pleasure. He is persuaded by Sir Robert Melville, his deputy, to give it up; but that advice is hitherto heard with deaf ears."³

The next notice of Sir Robert Melville in Bowes' letters is brief, but significant in the view of what took place a few days later. Towards the end of May 1583, the king, somewhat against the will of Gowrie and the other "lords reformers" as they were called, set out on a "progresse" towards Linlithgow, Fife, and elsewhere. On 17th June, Bowes writes: "The king in his progress is to visit Cairnie, Sir Robert Melville's house, and thence go to Falkland." A fortnight later, the king was in St. Andrews surrounded by the partisans of Arran

¹ Bowes' Correspondence, p. 330, 15th January 1583.

² Register of the Privy Council, vol. iii. pp. 564, 565.

³ Bowes' Correspondence, pp. 416, 417, 23d April 1583.

and Lennox, and the administration of Gowrie and his faction was at an end. There is an allusion in Sir James Melville's memoirs which indicates that he and his brother had a considerable share in bringing about this revolution, and the king's visit to Murdochcairn shortly before lends probability to that statement. So also does the fact that the new government had not been long in office ere Sir Robert, his brother, and John Maitland were made members of the privy council, and thenceforth took a share in the administration.¹

Previous to this, however, Melville was an active man under the new regime. Among other pieces of gossip at this time Bowes writes in the middle of July 1583, that he is credibly informed that Sir Robert Melville and others of the same way of thinking are shortly to meet together and confer as to the king's mother, with a view, Bowes thinks, to advise the king. Some days afterwards he records that it was proposed to send Sir Robert on an embassy to England to explain the new state of affairs, adding significantly that the proposal does not please the "well affected," that is, the English party in Scotland.²

There seems no doubt that, whether owing to his attachment to Queen Mary's party or not, Robert Melville was a favourite of King James, and employed by him on delicate missions. One of these, if Bowes be correct, seriously affected the Earl of Gowrie. Writing in the middle of August 1583, Bowes states that the Earl of Gowrie was lately sent for by the king, who deputed Sir Robert Melville to persuade him to come to the king. Sir Robert induced the earl to come to Cupar, and after his arrival, Colonel William Stewart, Sir Robert, his brother Sir James, and Maitland "dealt very earnestly" with the earl to accept the king's remission for the Ruthven raid. It is said that Gowrie was wrought into a passion and cursed his obedience to the king's letter, declaring that he desired banishment rather than take a remission. In the end, however, finding himself pressed, he, "after a great battle," agreed to do what would please the king. Bowes adds that Gowrie then retired to his own house malcontent.³ There may be some doubt about this story, as Calderwood implies that Gowrie received a remission at St. Andrews on the day of the counter revolution, but the historian does not positively assert the fact, although he states that by accepting a remission

¹ Register of Privy Council, vol. iii. p. 594, 29th August 1583.

² Bowes' Correspondence, pp. 497, 506, 13th and 16th July 1583.

³ Bowes' Correspondence, p. 552, 17th August 1583. Sir Robert Melville and

Colonel Stewart were also, at a later date, accused by Mr. Patrick Galloway, of an endeavour to entice him, while a captive, to disavow the Act of the General Assembly in favour of Gowrie and his party. [Calderwood, vol. iv. p. 116.]

Gowrie condemned himself and his associates and ultimately ruined his cause. On the other hand, Bowes' relation is probably correct, as he places the event just after the return to court of the Earl of Arran, whose influence with the king would be used strongly against Gowrie, and if the latter were forced to accept a remission, his party would be weakened. New proclamations were also issued at this time against the Ruthven raiders.¹

Another evidence of Melville's being in the inner counsels of the king even before his actual admission as a privy councillor, is found in a letter from Bowes to Walsingham, then travelling towards Scotland on a special embassy. He advises Walsingham how to carry his mission, and states that he had held communication with Robert and James Melville who, he says, "chiefly carry this course by their advices," desiring them to move the king to yield to the views of the English queen in regard to remissions to the Ruthven raiders.² Walsingham arrived in Edinburgh on 1st September, Melville being in the meantime admitted a privy councillor. The English ambassador had some difficulty of access to the king, who had gone to Perth, but at last he was enabled to present the complaints with which he was charged by the English court, chiefly directed against the change of government and the growing ascendancy of Arran. What followed, as recorded by Bowes, was significant. He writes: "For the deliberation of the griefs (complaints) delivered to the king by my lord ambassador (Walsingham), the king called to that consultation Arran, Montrose, Colonel Stewart, Sir Robert Melville, and John Maitland, leaving out Rothés, Gowrie, Newbottle (and others), who were thought not meet to be privy to the secresy of the debate and resolution in that cause."³

It has been asserted, though it is not clear on what authority, that Sir Robert Melville, like his brother, Sir James, formed one of the wiser and more moderate party of the king's advisers, but if so, and the statement is warranted by Sir James Melville himself, Arran's more violent counsels prevailed, and sterner measures were dealt out to Gowrie's faction.⁴ As we lose at this date the minute record of Scottish affairs made by Bowes, who had been recalled to England, it is impossible to state with accuracy what Melville's position clearly was as regards the conflicting parties. It may be noted, however, that he was a very regular

¹ Calderwood's History, pp. 716, 719, 722.

² Bowes' Correspondence, pp. 557, 558, 20th August 1583.

³ *Ibid.* p. 571, 12th September 1583.

⁴ Bowes tells a somewhat unintelligible story about Rothés, who was not a Ruthven

raider, but had afterwards consented, and was now ill at ease under the new enactments. On 19th September 1583 he writes that Rothés remains at home disquieted; one of his friends advising him to hang Sir Robert Melville to recover the good opinion of his former friends.

attender at the meetings of the privy council,¹ and he appears to have been present on 17th April 1584, when a proclamation was issued forbidding the wife, friends, or dependants of the Earl of Gowrie from approaching the king or court.

This renewed severity against Gowrie was caused by certain warlike movements of his supporters, and by the fact that the unfortunate earl himself was then a captive, having been arrested at Dundee by Colonel William Stewart. He was brought to Edinburgh, and there confined for a few days, after which he was removed to Stirling for trial. According to certain documents, evidently contemporary, and which are believed to be papers containing an account of the trial, procured by Davison, then resident in Scotland, and forwarded by him to the English court, Sir Robert Melville played an important part in a scene which took place with Gowrie before his trial, and also at the trial itself.

One of these documents gives an account of an interview held with Gowrie while still confined in Edinburgh. In that paper, which is headed, "The practise of Arran and Sir Robert Melville against the life of Gowrie," it is stated that Arran, Gowrie's great enemy and rival, accompanied by Sir Robert Melville, paid a visit to the captive, and, under pretence of friendship and desire for his welfare, persuaded him to write a letter of confession to the king. Gowrie at first refused, but afterwards yielded on a promise of pardon being held out to him.² Another document informs us that when the trial came on, the earl's indictment was framed upon the points contained in his letter to the king. He strongly protested against this, and alleged that he never would have been so foolish as to write his own accusation had it not been that he was promised a pardon. He then, it is said, challenged Sir Robert Melville and the others to prove this, who, he declared, had often urged him to set forth the truth. The lord advocate told him that they had no power to promise him life. He earnestly appealed to them if they did not promise pardon in the king's name, but this they

¹ Register of Privy Council, vol. iii. pp. 594 *et seq.* Besides his ordinary attendances in council, Sir Robert is specially named at this time (1) as member of a committee for checking an account of ransom-money collected to free captives from the Turks; (2) as arbiter in a dispute between the laird of Anstruther and the burgesses of Crail; (3) as one of the subscribers of a signature in favour of the family of Sir James Balfour of Pittendriech.

² Archæologia, vol. xxxiii. pp. 161-163. A writer in the Archæologia, who prints this

paper, points out certain discrepancies in its statements as compared with those of Archbishop Spottiswood, who publishes Gowrie's letter, but on examination these apparent discrepancies can be explained, and though the paper may not be literally reliable, the main facts seem clear that such an interview did take place, and that Sir Robert Melville was present. Indeed, Spottiswood also gives his name and those of the Earl of Montrose and Lord Doune (omitting Arran) as persons appointed to examine Gowrie. [History, vol. ii. p. 310.]

denied. He then pressed each separately to go to the king on his behalf, but this also was refused. The indictment proceeded, the jury were sworn, a verdict of guilty was returned, and sentence of death was pronounced. Gowrie then bade them good-bye, and after a short time spent in devotion was conducted to the scaffold. There he was attended by the lord justice-clerk and Sir Robert Melville. It was to the latter that the earl addressed almost his last words, desiring him to pay the executioner money in lieu of his clothes, which he had given to his page. He then "smylinglie" put his head under the axe. He was buried, according to the same account, beside the late lord chancellor, Lord Glamis, in Stirling, and his remains were followed to the grave by the secretary, Maitland of Thirlestane, Sir Robert Melville, the justice-clerk, Sir Lewis Bellenden, and Sir Robert Stewart of Traquair.¹

This tragedy over, Arran's ascendancy became still more complete, as Gowrie's chief partisans were all either in custody or in exile. Although from causes already noted we have less information regarding Sir Robert Melville, the allusions to him are of such a nature as to indicate that he and his old comrade, Maitland, were looked upon as attached to Queen Mary's party, and that they supported Arran because he seemed to favour their schemes. The first prominent notice of Sir Robert Melville, after Gowrie's death, is the ratification by parliament of his appointment as treasurer-depute. The parliament met about a fortnight after Gowrie's death, and contrary to the usual practice, its proceedings were kept profoundly secret till it was over, when it was found that the chief acts passed were strongly directed against the kirk and her discipline.² At this juncture, Davison was again sent to Scotland as ambassador from England, and again he seems to have come into contact with Sir Robert Melville and his brother, Sir James. Whether as a result of his interview with them or not, Davison reported to his government that Scotland was fast falling under the influence of the queen of Scots, and that the course taken against Gowrie and his party was owing to her negotiations and those of the French court. This information excited much

¹ *Archæologia*, vol. xxxiii. pp. 163, 170. The apparently treacherous conduct of Sir Robert Melville towards Gowrie, as implied in these papers, has been severely commented on. A recent writer [Tytler's *History*, 3d ed. p. 383 and *note*], in dealing with the matter, assumes, on the authority of the papers cited, that Melville was a "friend" of Gowrie and quotes "He (Gowrie) was hurried by his three friends, Sir Robert Melville," etc., but the original

has no such sentence, and nowhere states that Melville was Gowrie's "friend." There is evidence rather that their opinions were opposed, but Melville had been officially associated with Gowrie, and probably felt that death shut out all animosities. Spottiswoode [*History*, vol. ii. p. 313] says of Gowrie's death, "His servants were permitted to take the head with the body and bury it."

² Cf. Calderwood, vol. iv. pp. 62, 63.

consternation at the English court, and it was decided to use every effort to gain over Arran, whose power over James was greatest. Even here, however, Sir Robert Melville's influence seems to have been felt, as Lord Hunsdon in a letter to Davison writes that Arran's intimacy with Maitland and Melville is suspicious, for they are both the Scottish queen's, body and soul.¹

Shortly after the date of this letter, a meeting took place between Hunsdon and Arran, which was friendly to the aims of Elizabeth. Arran protested that both the king of Scots and himself were ready to serve the English interest; and at this interview he introduced to Hunsdon the Master of Gray, who was shortly to be despatched to England as ambassador. According to Davison, Gray was sent for the purpose of revealing, with her son's consent, Queen Mary's plans to the English queen.

Previous to his meeting with Hunsdon, Arran had made a pretended discovery of a plot, as he alleged, for seizing the king, killing Arran, and taking Edinburgh castle, which led to his securing the custody of that fortress for himself. The Master of Mar was constable of the castle, but at the king's order he gave it up to Arran. On his return from the conference with Hunsdon, Arran began to carry matters with a high hand, and he and his wife took possession of the crown jewels and Queen Mary's wardrobe, much to the disgust of Sir Robert Melville, who was responsible for their custody. Davison wrote to Walsingham that Lady Arran had made new keys to the jewel chests without the king's knowledge or command; while the old keys remained with Melville, who "is mynded to resygne them up to his Maiesty, so sone as he shall come to the court, bycause he will no longer stand charged with that which she has the disposicion of, [whom] every man suspectith to[o] skillfull in substruction."²

In a postscript, Davison says, "The provost of Glenliwde [Lincluden]³ is brought againe to this towne and comytted to the castle; their foreign conspiracy is at an end, nowe my lord of Arane hath hitt the mark he aymid at. The king himself, as is assured me by some of his owne counsell, hath an vtter mislyk of the chang, and hath blaimed the secretary [Maitland] and Sir Robert Melvin for dealing further in the matter then they had warrant from himself. But some think the master's [of Mar's] yelding in this, and others extraordinary dealing against him without the king's warrant will turne to Aranes disadvantage with the tyme howsoever he do presently bear yt out," etc.⁴ The reference to Melville

¹ Letter, 3d August 1584, Thorpe's Calendar of State Papers, vol. i. p. 481.

² 24th August 1584. Papers relating to Patrick, Master of Gray, Bannatyne Club, p. 6.

³ Mr. Robert Douglas, provost of Lincluden, who was one of the Marian faction, and one of the pretended conspirators.

⁴ *Ibid.* p. 7.

is somewhat obscure, but the tone of Davison's letter towards Arran is very severe, and notwithstanding their dealings with the earl, the English government were determined if possible to remove him from power.

This result was brought about some months later, during which period we find little notice of Sir Robert Melville. He is mentioned in a paper sent to Queen Elizabeth by the banished lords of the Gowrie faction, and is classed with Arran, Maitland, and others, as opponents and haters of the English queen.¹ This statement may have been dictated by partisanship, and, as will be seen, both Maitland and Melville were won over to oppose Arran. Melville continued to be one of the most regular attenders of the privy council, and therefore probably assented to much of the work done there, including the severe edicts against the clergy. He is referred to as present with the king on a visit to Dirleton in May 1585, where Arran entertained the court for twelve days. They passed the time, says Calderwood, with the play of Robin Hood.²

Soon after this visit to Dirleton, Henry Wotton arrived as ambassador from England, on the ostensible mission of persuading the king of Scots to enter into a league offensive and defensive with England. In this he was successful, and the league was finally passed at a convention of estates held at St. Andrews on 31st July 1585. Arran also signed the league, though he was absent from the convention, having been committed to ward on the previous day at the demand of the English ambassador for alleged participation in the accidental death of Lord Russell at a border meeting. This accident was used as the pretext which the English government had long desired to get rid of Arran, and it was so far successful. There are good grounds for believing that had this not occurred, an attempt would have been made to remove him by violence. Sir Robert Melville was a member of the convention at which the treaty with England was agreed to; but although one of the officers of state, his signature is not among those appended to the document. According to a contemporary writer, an agent of Queen Mary, Melville had, previous to this date, left the party of Arran, and entered into a bond with Maitland and the Earls of Huntly, Athole, and Bothwell in opposition to

¹ Calderwood's History, vol. iv. p. 197.

² *Ibid.* p. 366. A few days before this, Sir Robert received from George Meldrum of Fyvie a receipt for a jewel which had been left in his hands, probably as a pledge for some fine or other debt to the crown, and which Sir Robert now returned to its owner. It is described as "ane garnising of gold set

with pearle, diamondis and rubeis," but the sum for which it was pledged is not stated. It may be added that Meldrum died shortly after this, and the casualty of his sons' ward and marriage was bestowed on Robert Melville, younger of Murdochcairnie. [Vol. iii. of this work, p. 124. Gift in Melville Charter-chest.]

Arran. The Master of Gray was, it is stated, at the head of this new party, which he had probably formed to weaken Arran's influence.

What Melville's motive was in joining Gray's party is not clear; but Maitland and some others of the council were certainly though secretly in favour of the return of the banished lords to Scotland, and of the revolution which their return would probably effect. That revolution did take place a few months later, when the Earls of Angus and Mar and the others, by Elizabeth's permission, crossed the border into Scotland, and advanced at the head of a considerable force to Stirling, where the king then was. Arran was then with the king; but the royal forces made no resistance, and the town was easily taken. Arran fled, the banished lords were admitted to the king's presence and graciously received, and Sir Robert Melville was one of the six members of council who, with the king, framed a proclamation for a pacification and remission.¹ His attendance on the business of the council continued to be as assiduous as before, but as the reference to him as an official or a councillor are for the most part formal, no special detail of them need be given.² On one occasion, however, in the end of 1586 and beginning of 1587, he was placed in a very responsible position, out of his ordinary routine.

In October 1586, Mary Queen of Scots had been brought to trial, and condemned to death in England. When information of this reached Scotland, there was great excitement, and it was at once resolved to send an important mission to the English court to remonstrate with Elizabeth. After some delay the Master of Gray was commissioned to go, and Sir Robert Melville, known to be one of her supporters, was appointed to accompany him. The Earl of Bothwell, the famous Francis Stewart, was also named, but he was not sent, owing, it is said, to Gray's influence, because, according to a contemporary, the earl was "prompt and free of speech and affectionate to the Queene of Scottis, and such a one as would not, if he discovered any of the trecheries which moste suspected by him, conceale

¹ Register of Privy Council, vol. iv. pp. 30, 31.

² On 10th May 1586, he and his son Robert received from Patrick, Master of Gray, lately made commendator of Dunfermline, a ratification of a grant of the house of Abbotshall, and the erection of Burntisland into a free port. [Vol. iii. of this work, pp. 125-127.] This writ will be more fully noticed in the next memoir. Sir Robert, about the same time, acquired from the Master of Gray, as commendator of the

abbey of Dunfermline, a charter of the lands of Garvock in Fife, dated 17th February 1586. He had previously received these lands from John Fenton, "yconimus" of the abbey of Dunfermline, with consent of William, commendator of Pittenweem, and was infeft in them on 25th November 1584. These grants were confirmed to Sir Robert by King James the Sixth, on 31st March 1589. Sir Robert granted a charter of Garvock to his brother, Sir Andrew, dated 17th April 1588. [Inventory of Garvock Writs.]

it.”¹ Sir Robert Melville was no doubt more diplomatic, but he was still truly attached to his old mistress, and he appears to have made every effort he could on her behalf. His efforts, though outwardly seconded, were really thwarted by his colleague, and, as is well known, they were in vain. Elizabeth received the ambassadors ungraciously enough, and when she heard their proposals that Mary should demit her succession to her son and the king of Scots should be considered as in his mother’s place, thus obviating popish intrigues, she burst into one of her terrible fits of passion, and rejected the idea with bitter taunts. Gray desired that Mary’s life might be spared for fifteen days, to allow time to communicate with Scotland, but Elizabeth refused; Melville then begged for only eight days, but she replied, not for an hour, and cut short the conference.² Sir Robert and Gray, however, wrote to King James that their negotiations were hindered by reports that he was not in earnest in the matter. They had another interview with Elizabeth, who was then more inclined to consider their proposals, but showed no real change of purpose on the most important point.³

Gray and Melville returned to Scotland on February 7th, 1587, and on the following day, the very day of Mary’s execution, although that was not known in Scotland for some time, they reported to the king and council the unsuccessful result of their mission, when they were duly commended and discharged.⁴ Of Melville, the French ambassador wrote that he understood Sir Robert Melville had done his part, and was sorry his labour had no better success.⁵ For his services as ambassador Melville received from the king a grant of the marriage of Kennedy of Ardmillan, valued at £1000.

To the French envoy, Courcelles, we owe several notices of Sir Robert Melville, and of the part he played at this crisis. Soon after Mary’s execution Elizabeth sent Mr. Robert Carey as a special messenger to Scotland to give the king her version of the tragedy, but King James refused an audience, despatching Mr. Peter Young to learn whether his mother was really dead. He had already been advised of the event by his own agents, particularly by Archibald Douglas, but Melville told Courcelles that the king would not seem to believe the fact until the return of Peter Young. On learning the truth from Carey’s own lips, the king positively refused to see him, and peremptorily ordered him to remain

¹ Courcelles’ Despatches, Bannatyne Club, 1828, p. 22.

² Papers relating to Patrick, Master of Gray, Bannatyne Club, 1836, pp. 129, 130. Sir James Melville says of his brother on this occasion, “he spak braue and stout langage to the consaill of England, sa that the queen

herself boisted [threatened] him of his lyf.” [Memoirs, p. 357.]

³ Papers relating to Patrick, Master of Gray, Bannatyne Club, 1836, pp. 132-134.

⁴ Register of Privy Council, vol. iv. p. 144.

⁵ Courcelles’ Despatches, p. 41.

at Berwick, adding that certain members of the Scottish council would be sent to receive his message. Those selected for this duty were Sir Robert Melville and Sir James Home of Cowdenknowes, who met Carey at Foulden, not far from Berwick.¹

In terms of Elizabeth's instructions, Carey affirmed that the Queen of Scots was executed without the knowledge of his mistress, her councillors having got the warrant signed among other papers, and she had imprisoned Davison on account of it, with other excuses. Melville answered that the whole Scottish nation were offended by this proceeding against a sovereign queen, that Elizabeth might make what excuses she pleased now, but that before the Scottish ambassadors left she showed herself not against the execution, but rather to approve it, giving them no hope of saving Mary's life. The English queen should show her displeasure against the murderers, her own councillors and subjects. As for the friendship desired by her, added Melville, when she had satisfied the king in a matter of such weight touching him in honour, he would consider it. On the English ambassador's saying that his mistress was resolved to content the king in all he could desire, the Scottish envoys said they were not to advise the queen, and in answer to a request that libellers should be restrained, Melville replied that the king could not hinder that to be set down in words which the queen had performed in deeds.²

From this conversation, as reported by Courcelles, who probably had it from Melville himself, we gather that Sir Robert at least was indignant at Mary's execution, but all contemporary accounts agree in representing the king himself as comparatively indifferent in the matter, and the excitement, which for a time prevailed, soon subsided. Melville continued his attendance on public affairs,³ and is mentioned in connection with the General Assembly of the Church of Scotland in February 1588. This assembly was specially summoned by Mr. Andrew Melville because of the increased activity of Jesuits and Roman Catholics generally in Scotland, in view of the threatened invasion by the Spanish Armada. It was proposed that a list of Jesuits, priests and others, should be given up by the members of the assembly, both lay and clerical, that summonses might be issued against them in the king's name. Sir Robert Melville was to be intrusted with this duty. He also appeared in the assembly as a witness against a clergyman who was accused of slandering the king. This was Mr. James Gibson, minister of Pencaitland, who had formerly been dealt with by the assembly. It

¹ Calderwood, vol. iv. p. 612.

² Courcelles' Despatches, pp. 49, 50.

³ On 22d November 1587 he resigned his

office of keeper of Linlithgow Palace, conferred by Queen Mary, in favour of Sir Lewis Bellenden of Auchnoul, justice-clerk.

was alleged that he had confessed his offence, and Melville and others were produced to prove his confession, and as a result of their evidence the offending minister was suspended from his office for a time.

When King James left Scotland for Denmark in October 1589, he made special appointments and arrangements for the government of the country during his absence. In these arrangements Melville held a principal place, being deputed to act as chancellor.¹ The king was absent for six months, a period, as was remarked at the time, of unusual peace and order in Scotland. Melville had in the early part of 1589 been engaged in the king's service or in attendance on his Majesty during the expedition conducted by James in person against his rebellious Catholic subjects in the north of Scotland.² After the king's return from Denmark a commission was issued specially providing for good rule on the borders, of which commission Melville was appointed a member. His energies therefore were not confined to the special duties of his own office, but he appears to have taken an active part in all affairs.

His office of treasurer-depute was no sinecure, but often a serious burden, as he had frequently to advance large sums to the king, and his accounts then showed a considerable balance against the government. To repay him for his extra expenditure on one occasion the profits of the mint were conveyed to him, to be paid to him until the debt to him was fully discharged.³ Probably with the view of further reimbursing him, the king, in December 1590, granted to him the crown casualties of ward and others due from the lands and baronies of the lately deceased Dame Margaret Balfour of Burlic during the minority of her eldest son and heir, Michael Balfour, and also the casualty of his marriage.⁴

In September of the same year Sir Robert Melville displeased the presbytery of Kirkcaldy because he and the magistrates of Burntisland refused to apprehend Mr. James Gordon, a prominent jesuit. The king was informed of the fact, but took no steps in the matter. Another incidental notice of Sir Robert is in August 1592, after the attack made by the turbulent Earl of Bothwell on Falkland Palace. A letter from Bowes, the English Resident in Scotland, to Lord Burghley states that the chancellor, Lord Thirlestane, and Sir Robert Melville were suspected of connivance at or participation in Bothwell's pranks; but

¹ Register of the Privy Council, vol. iv. p. 429.

² Cf. *Ibid.* p. 825.

³ Register of Privy Council, vol. iv. p. 470.

⁴ Gift, dated 15th December 1590, in Melville Charter-chest. In connection with this

estate, Michael Balfour of Burlic, on 23d July 1591, acknowledged receipt from Sir Robert Melville of a gold chain, a pair of bracelets set with agates and pearl, a sapphire "tablet," and other jewellery, which Balfour accepted as "heirship" from his mother's property. [Vol. iii. of this work, p. 133.]

if so, they never lost the confidence of the king. Sir James Melville, on the other hand, records in his *Memoirs* that it was Sir Robert's vigilance which brought about the failure of the attack, and that when Bothwell had, in December 1591, made a similar attack on Holyrood, his brother had warned the king to take care of himself, but in vain.

In December 1592 Sir Robert Melville purchased the manor-house of Monimail, which, with various additions, now forms the barony of Melville in Fifeshire. The seller of the property was James Balfour, described as commendator of the priory of Charterhouse, near Perth, who had acquired possession of the lands from his father, the famous Sir James Balfour of Pittendriech. The contract of sale comprehends the commendator's "palice, ludging, and manor-place" of Monimail, and also "the greue lying foranent the foir yett of the said place."¹ This palace had been a residence of the bishops and archbishops of St. Andrews. It is believed to have been originally built by Bishop Lamberton, in the time of King Robert the Bruce, but was rebuilt or added to by Cardinal Beaton, whose cardinal's hat is represented on the tower which bears his name and is the only part of the old palace now remaining. An engraving of the tower in its present state is given in this work.

The cardinal's successor, John Hamilton, also resided at Monimail for a time, and it was there that in 1551 he fell sick of the disease of which he was cured by the famous Italian physician, Cardan. In 1564, Archbishop Hamilton granted the house and lands to James Balfour, then styled rector of Flisk and official of Lothian, and the reason for the grant is of interest, as showing the condition of the place at that date. The preamble of the archbishop's charter narrates that the lands of Pathecondie, Letham, and others adjoining the manor of Monimail had been feued out to tenants, also that the manor itself was ruinous, waste, and broken, and could not be repaired except at great cost, while even if it were repaired and rebuilt, the archbishop and his successors could not comfortably reside there owing to the feuing of the adjacent lands. For these reasons the archbishop grants the manor-house of Monimail to James Balfour for a yearly feuduty of 13s. 4d. and other dues, and under the following among other conditions, that Balfour should assist and concur with the neighbouriug tenants in maintaining and defending the house against any violence or injury by others in the vicinity.²

¹ Contract of sale dated 19th December 1592. Vol. iii. of this work, pp. 133-136.

² The archbishop's charter, which is dated 10th September 1564, is given at length in a confirmation granted by King James

the Sixth to Sir Robert Melville, dated 8th April 1593, in Melville Charter-chest. The precept of sasine is directed to Robert Balfour, brother-german of Michael Balfour of Burlie, a member of the family who is not known to the peerage-writers.

In 1578, Balfour, now described as James Balfour of Pittendriech, knight, granted the house and place of Monimail to his second son, James, who, as already stated, sold them to Sir Robert Melville. The sum to be paid was 5500 merks, and the contract of sale was followed by a charter of the lands, dated at Dundee on 20th February 1593, confirmed, along with the two preceding writs, by King James the Sixth, under the great seal, on 8th April 1593.¹

Soon after this date, Melville was sent as a special ambassador to England. He had a somewhat delicate mission to perform. A few months before, Edinburgh and Scotland generally had been thrown into great excitement by the discovery of a plot by which a Spanish army was to land in Scotland and to be joined by a force under the Earls of Huntly, Errol, and Angus, and other Scottish Catholics. By this means it was hoped to re-establish the Catholic religion in Scotland and perhaps also in England. The discovery was followed by the immediate imprisonment of Angus, and an expedition to the north with the king himself at its head. Little, however, was really effected by this apparent activity. The king also was annoyed at the cordial reception which the rebel Bothwell had in the north of England under orders from Elizabeth herself. In the midst of his perplexities, Lord Burgh arrived from England as envoy-extraordinary from the English queen to urge on her part, first, that James should declare war against Spain; second, that he should exercise an unceasing rigour against the Papists; and third, that the two kingdoms should take united action against the Spaniards. Sir Robert Melville was sent to interview the ambassador and to reply to his demands, by assuring him on the first point, that there was no occasion of war with Spain, as Scottish subjects had a free trade with that country, and that if the King of Spain meant to pursue England, he would give pledges that no harm would be done. Melville also reminded the envoy that many fair offers were made by the English queen in the last strait, but not a word was kept. On the second point, he said that his Majesty was a free prince, and could take no directions from the Queen of England as to dealing with his own subjects; while as to the third demand, as there had been no break of friendship there could be no renewal.² King James further insisted that it was Elizabeth's interest to co-operate with him in his present action; but to aid him he needed both men and money, and he remonstrated strongly against the conduct of the English queen in encouraging Bothwell in his treason.³ It was to carry his answers to Lord Burgh's message, and to emphasise the demand for Bothwell's expulsion from

¹ Confirmation charter, in Melville Charter-chest.

² Moysie's Memoirs, p. 101.

³ Warrender MSS., cited in Tytler, 3d ed., vol. vii. pp. 197, 198.

England, and for money to aid in putting down the Catholic rebels, that King James despatched Melville. He was also to receive the king's annuity.¹

Before leaving for the south, Melville acted as one of the commissioners for opening parliament, which was then adjourned to a later date. According to the parliamentary records, he was in Edinburgh on 9th June, but Calderwood implies he left on the 7th. Bowes, however, then the English Resident in Scotland, wrote to Burghley that he had endeavoured to delay Melville's journey. While in England, Melville received from King James a letter bidding him assure the queen of the intended forfeiture of the Catholic earls, and the restoration of the chancellor.² Notwithstanding this assurance, Melville's embassy was not so successful as the king and he would have liked, and he wrote to Burghley that the queen's answer was not agreeable to his master's expectations, nor was the assistance given so effectual as was hoped. He begs Burghley to intercede with the queen to reconsider the matter, and that the money promised to King James may not be lessened.³ The king also again complained of Bothwell's proceedings, and the encouragement he received in England. He had good reason to complain, for ere Melville's return Bothwell had made his famous entry into Holyrood Palace, and the king had been forced to come to terms.⁴ An act of remission was passed in favour of Bothwell and his accomplices, while it was agreed that he should stand his trial for his alleged offences against the king. One result of this was that when Melville returned from England he found the king virtually a prisoner in Bothwell's hands. Bothwell was tried by a jury on the 10th August following, and acquitted. On the 11th, the king made an attempt to escape from Holyrood, but was intercepted by Bothwell, who declared he should not leave the palace till the country was more settled. Melville was apparently again in attendance on the king, if not actually present at the scene with Bothwell, and his name was dragged into the discussion in a curious manner. James protested strongly against Bothwell's breach of faith in thus detaining him, and not withdrawing, as promised, from the palace. Bothwell in turn demanded, before he fulfilled his promise, to be restored to his lands, and that the murder of the "bonnie Earl of Moray" should be avenged. He then charged the chan-

¹ Calderwood, vol. v. pp. 252, 253.

² *Ibid.* pp. 253, 254.

³ Thorpe's Calendar, vol. ii. p. 630.

⁴ In this affair King James showed much diplomacy, submitting for the time with the view of gaining opportunities of retaliation. He wrote letters to some of his nobles bearing publicly the fact of his reconciliation to

Bothwell, but in one epistle at least, addressed to John, Lord Hamilton, he added a private postscript somewhat at variance with the rest of the letter: "Milorde, thir folkis haue promeisit all humilitie, suppose the form uoilent; and indeed presentlie there is na force heir bot myne."—[Historical MSS. Commission, Report XI., Part vi. p. 66.]

cellor and others, including Sir Robert Melville, with signing a warrant for Moray's slaughter. "Tush, tush!" said the king, "a better man than you, Bothwell, shall answer for Sir Robert." "I deny that," was the retort, "unless that be your Majesty."¹ The dispute between the parties then grew so hot that all attempts at an amicable settlement appeared unavailing.

A few days later, however, the courtiers, among whom was Melville, with the magistrates and ministers of Edinburgh, arranged an agreement, which was signed by them and by the king and Bothwell's party. Certain nobles, including Chancellor Maitland, were to absent themselves from court, while Bothwell also was to retire and allow the king freedom of action, receiving at the same time remission of all offences. At a later date Melville was one of those selected to convey to Bothwell the decision of a convention of estates held at Stirling, and the promise that the king did not mean to withdraw his pardon or the restoration of his estates, but would ratify the same in parliament, provided Bothwell became a suppliant, and would leave the country.² These conditions were accepted, and, according to Bowes, the arrangement was cemented by a banquet given by Bothwell to the king, but the reconciliation was very brief.

The next notice of Sir Robert Melville records his presence at a convention of estates held at Linlithgow in the end of October 1593, and which continued to sit at intervals for a time, almost superseding the regular council. He was also one of those who aided in passing the "Act of Abolition," as it was called, in favour of the Roman Catholic earls, Huntly, Angus, and Errol, granting them pardon on certain conditions. This act greatly disappointed the clergy, but was afterwards revoked, as the earls did not comply with its conditions. As a result, the king, stimulated probably by a sharp rebuke from Queen Elizabeth, directed Sir Robert Melville and others to prepare a summons against the rebels, the presbytery of Edinburgh being also called in to advise on the subject. Proceedings were varied by a sudden raid, led by the irrepressible Bothwell in person, on 3d April, and a few days later, Sir Robert Melville met the presbytery with a proposition that they should devise a method to keep Bothwell's forces out of the neighbourhood. The ministers, suspecting a snare, replied they would pray for him and against all opponents to the good cause. Sir Robert urged a more satisfactory answer, but they refused to move till they saw further action. Melville then complained that the nobility had left the king, to which Mr. Robert

¹ Letter from Bowes to Burghley, 16th August 1593, Thorpe's Calendar, vol. ii. p. 632, cited in Tytler, 3d ed., vol. vii. pp. 220, 221.

² Calderwood's History, vol. v. pp. 257-261.

Bruce responded to the effect that it was his Majesty's own fault, and their advice was that he should turn and repent.¹

On the same day a proclamation was issued declaring the king's intention to make an armed expedition to the north, and summoning the lieges to his standard for repression of the rebels. Two days afterwards James crossed the Forth to Burntisland on a visit to Sir Robert Melville, and also, it is said, with the hope of surprising some of Bothwell's party in Fife. From Burntisland Sir Robert, doubtless by the request of the king, wrote to Burghley and also to Queen Elizabeth, expressing regret for the "jealousies" which had fallen out between the two sovereigns, and assuring them of his master's sincere affection towards her Majesty.² On the king's return to Edinburgh he and the council had before them Mr. John Ross, a minister within the bounds of the synod of Perth, who was charged with uttering treasonable speeches against the king. He had been apprehended near Burntisland in disguise, and seized as a suspected adherent of Bothwell. Sir Robert Melville was present at the examination, but appears only to have spoken once, in defence of his former mistress, Queen Mary, whom he affirmed to be "als vertuous a prince as ever raigned in Europe." Sir Robert was also appointed to lay Ross's case and other matters on behalf of the king before the General Assembly.³

Sir Robert, as on former occasions, was one of the commissioners for opening parliament in May and June 1594, when Huntly and the other Catholic earls were forfeited. Three days before the sitting of the parliament the king had promoted Melville to be one of the extraordinary lords of session, as successor to Sir John Seton of Barns, and on the 11th June he presented the king's warrant and was duly admitted to the bench.⁴ About the same date he, with some other officers of state, was waited on by a committee of ministers who were anxious to secure the prosecution of the sentence against the Catholic earls, but the result of the interview is not recorded.⁵ A few days previously he had written a friendly epistle to Burghley, assuring him of the king's continued affection towards Elizabeth, concluding, however, with an urgent request that she would advance the king's annuity and all arrears.⁶ The money was much needed, as the king was then preparing on the one hand, to levy an army against the rebels, and on the other, to celebrate with great magnificence the baptism of his eldest son,

¹ Calderwood's History, vol. v. pp. 289, 292, 296, 298.

² *Ibid.* p. 299; Thorpe's Calendar, vol. ii. p. 648.

³ Calderwood, vol. v. pp. 303, 323-326.

⁴ Book of Sederunt, vol. iv. f. 148.

⁵ Calderwood, vol. v. p. 336.

⁶ Thorpe's Calendar, vol. ii. p. 653. 7th June 1594.

Prince Henry, and Sir Robert Melville was one of those specially deputed to "consult how money might be had."¹

The baptism took place in the Chapel Royal of Stirling on 30th August 1594, and about six weeks later the king was on his march northwards to punish Huntly and the other rebels, who were now joined by Bothwell, and had gained a somewhat doubtful victory at Glenlivet over a force commanded by the young Earl of Argyll. The latter met the king at Dundee, and the royal forces marched to Aberdeen, but the rebels made no opposition. The castles of Strathbogie and Slains, with some minor fortalices, were destroyed, and the king returned to Edinburgh about the middle of November. Sir Robert Melville accompanied the expedition, and remained in the north for a time as one of the chief advisers of the Duke of Lennox, who had been appointed the king's lieutenant for final suppression of the rebels. The methods pursued to this end met with the approval of the king and council, though Calderwood comments upon them unfavourably, while he alleges that Lennox "had avaritious and craftie counsellors left with him," but whether this description is intended to apply to Melville is not clear. The Duke of Lennox returned to the south on 16th February 1595, and received a discharge of his commission, but Melville does not appear in the privy council till 20th March.²

Mr. John Colville, however, notes, in a letter to Bowes on 11th March 1595, that Sir Robert Melville was desirous to be sent to England. This desire was apparently not gratified, but it no doubt arose from his wish to smooth matters between his master and the English queen, who had refused to implement her promises of pecuniary assistance, much to the wrath of James, whose mind, however, was somewhat distracted by troubles in his own household. Melville's attendances at council seem during this year to have been less frequent or are less faithfully recorded. In August 1595, the king and queen, who had been at variance, were reconciled, and proposed a journey from Falkland to Perth, there to receive the communion together, and one of the houses at which her Majesty was to stay during her progress was that of Sir Robert Melville.³

In the beginning of the year 1596 King James made some changes in his administration which had an important result for Sir Robert Melville. The oversight of the finances was handed over to eight councillors, who, from their number, received the name of Octavians. They were commissioned to do all in their power to regulate the king's affairs and replenish his coffers, but in doing so they appro-

¹ Calderwood's History, vol. v. p. 341.

² *Ibid.* pp. 357, 363; Register of Privy Council, vol. v. pp. 207, 216.

³ Letter, Nicolson to Bowes, 15th August 1595, cited by Tytler, 3d ed. vol. vii. p. 294.

priated to themselves the chief offices of state. As a consequence Melville was deprived of his place as treasurer-depute, much to his displeasure if a gossiping letter from Bowes to Lord Burghley be correct.¹ Reflections upon Melville's treasurership have been made, one writer asserting that he and others had been protected by the late chancellor, Lord Thirlestane, and that the king suspected them of fattening at his expense. Another writer, a contemporary, speaking of the Octavians and their reforms, says :—"Next they fell upon the Master of Glamis, treasurer, and his deputy, Sir Robert Melville, and by examining their accompts found them liable in such sums to the king as to obtain a *quietus est* they were glad to resign the treasury, which was bestowed on the prior of Blantyre."² These statements, however, are at variance with the evidence afforded by the records of the period, that so far from Sir Robert being liable to the king, the reverse was the case, and he had advanced large sums on behalf of the public. The first proof of this is a document signed by the king and produced by Sir Robert before the lords of session, which narrates that Sir Robert in his accounts of the crown casualties had taken allowance of certain sums paid by him to various persons, which he was "evir myndit to haif payit gif he had bene pait of his super expenssis restand awand to him be ws at the fitting of his comptis ;" which over-expenditure the king goes on to say "far exceidis the sum quhair of he hes takin allowance and quhairin he standis debtour to our liegis, swa that the non-payment thair of is not in his default." The king then provides that though Melville is beset with creditors on account of his inability to pay, the court is not to entertain any action against him, superseding all such that Sir Robert may not be troubled in any way.³ This document afterwards formed the basis of an act of parliament in which the king acknowledges his debt and gives a promise of payment, but continues the protection against Sir Robert's creditors.⁴ These writs dispose of the question of Melville's liabilities, and three years later his over-expenditure was still unpaid. His successor, when he retired in 1600, was "super-expended" in the sum of £18,452, 5s. Scots, part of which was a debt still owing to Sir Robert Melville, amounting to £2850 Scots.⁵ It will thus be evident that the office of treasurer to King James was an extremely costly post to its holder.

Towards the close of the year 1596, the Octavians, finding the work they had

¹ Letter, Bowes to Burghley, 10th March 1596, Thorpe's Calendar, vol. ii. pp. 706, 707.

² Spottiswood, p. 413.

³ Supersedere, dated 27th May 1596, presented to the Lords of Session 28th May.

Books of Sederunt, vol. iv. part i. f. 200.

⁴ Acts of the Parliaments of Scotland, vol. iv. p. 147. 16th December 1597.

⁵ Register of Privy Council, 1599, vol. v. p. 549 ; *Ibid.* 1600, vol. vi. p. 92.

undertaken to be too onerous, petitioned for assistance, and Sir Robert Melville was one of ten persons appointed to act along with them.¹ The administration of the Octavians, however, came to a sudden close in January 1597, their demission being hastened by the extraordinary Edinburgh tumult of 17th December 1596. Whether Sir Robert Melville had any share in promoting this tumult cannot be ascertained, though his son was one of those courtiers to whom its origin was ascribed. Sir Robert, indeed, appears to have then been absent from court, as he is not named in any sederunt of the privy council after the tumult until 15th February 1597, not even in a convention of estates held on 6th January.² His attendances in council after his loss of the treasurership were less frequent, but he was one of those re-appointed as a privy councillor on the formation of a new and more compact council in December 1598. After that date he continued to attend with great regularity, until the beginning of 1600; and then, with somewhat less frequency, until December of that year, when he demitted his place in council in favour of his son, then known as Sir Robert Melville of Burntisland.³ Two months later he also retired from his place of extraordinary lord of session, which was likewise bestowed on his son. The king's letter to the lords of session announcing the appointment states the reason of Sir Robert's retirement thus: "For-samekill as we have daylie divers and sindrie occasionis to imploy our trustie and weil-belouit consalour, Sir Robert Melville of Murdocairny, knycht, in our awin effairis; wnderstanding also be his aige and waiknes that he is not abill to await daylie on our session, and that he has demittit his place," etc., the king appoints the son to succeed the father.⁴

Although his age and weakness thus debarred Sir Robert from his former active part in public affairs, he still continued to take an interest in the administration. He seems to have been present at the convention of estates held in June 1600, when the young Earl of Gowrie attracted so much attention by his speech against the subsidy desired by the king,⁵ and he was present at one of the diets for examination of witnesses in the Gowrie conspiracy in August of same year.⁶

In 1603, Sir Robert Melville appears to have accompanied or followed King James to London on his accession to the English crown. There he acted for a time as one of the council who managed affairs in England, and his name is appended to an act of that council convened to try the offence conceived by Queen Anna against the Earl of Mar, because of his refusal to give up Prince Henry to

¹ Register of Privy Council, vol. v. p. 338.

² *Ibid.* p. 364.

³ *Ibid.* vol. vi. p. 182.

⁴ Books of Sederunt, vol. iv. part ii. f. 303,

26th February 1601.

⁵ Register of Privy Council, vol. vi. p. 121, and *note*.

⁶ Calderwood, vol. vi. p. 59.

her until commanded by the king. The council decided that the queen had no cause of offence in the matter.¹ In February 1604, the king issued a special mandate in his favour, dispensing with his regular attendance at council and session, because of his "age, seiknes, and infirmiteis."² Yet in July following he was appointed by the Scottish parliament as one of their commissioners for treating of a union between England and Scotland, and he signed the completed draft treaty in December of that year. On 10th January 1606, he was present and acted as one of the judicial assessors at the trial of those ministers who were accused of treason for holding a general assembly at Aberdeen.³ In 1610 the king, finding the Scottish privy council too unwieldy in numbers to work well, limited the members to thirty-five, to be specially nominated by himself, and Sir Robert Melville was one of the council thus reconstructed. These are the chief public appearances recorded of Sir Robert Melville during the later years of his life.

As to his private affairs during the same period, he was not left altogether without marks of continued royal favour. In February 1605, the king, in consideration of the good service done to him from his infancy by Sir Robert Melville, "albeit as yit not dewlie recompansit," grants to Sir Robert, and to his son and son's wife, a discharge or remission of all rent or feufarms payable by them to the Crown from the lands of Murdochcairnie, in Fife—the exemption to endure for their respective lifetimes. This grant was afterwards ratified in parliament.⁴ A few years later a more personal honour was conferred upon him. He was created a peer of parliament, with the title of Lord Melville of Monimail, by patent dated 1st April 1616. The patent gives as the reason for the grant the king's consideration and remembrance of the great and many very important and honourable offices and posts with which Sir Robert had from his youth been burdened during the reigns of the king's predecessors, as also under the king himself, both in embassies to foreign princes and in domestic affairs, in the administration of the royal revenues, and in all other matters of the highest importance; also of the dignity with which Sir Robert transacted affairs to the king's honour and contentment, and to the general satisfaction of the lieges.⁵ The limitation of the dignity was to Sir Robert for life, and after his death to his eldest son, Sir Robert Melville of Burntisland, and the lawful heirs-male of the body of either of them.

¹ Register of Privy Council, vol. vi. pp. 577, 578, 5th July 1603.

² Vol. ii. of this work, p. 12.

³ Register of Privy Council, vol. vi. pp. xxxiv, 5, 164.

⁴ Grant dated 20th February 1605; confirmed 24th June 1609. Acts of the Parliaments of Scotland, vol. iv. p. 455.

⁵ Vol. iii. of this work, pp. 152, 153.

Robert, first Lord Melville, did not long survive this tribute to his long, laborious, and faithful service, as he died five years later, in December 1621, at the very advanced age of ninety-four. He made his will, and gave up an inventory of his debts and goods on the 5th of that month, appointing his cousin, Mr. Thomas Melville, his sole executor, who is to act by the advice of the testator's son, Robert, Master of Melville.

Robert, first Lord Melville, was thrice married. His first wife was Katherine Adamson, said to be a daughter of William Adamson of Craigcrook, a burghess of Edinburgh. She was still alive on 11th December 1586. His second wife was Lady Mary Leslie, daughter of Andrew, Earl of Rothes, whom he married before 1593, and who died in March or April 1605. His third wife was Lady Jean Stewart, daughter of Robert Stewart, Earl of Orkney, and widow of Patrick Leslie, first Lord Lindores. She survived him and was still alive in 1642. He had issue by his first wife only—one son, also named Robert, who succeeded to the title and estates, and of whom a memoir follows.

*Robert Melville
of Murray & Ravenscroft*

SIR ROBERT MELVILLE OF BURNTISLAND, SECOND LORD MELVILLE
OF MONIMAIL, 1621-1635.

MARGARET KER (FERNIEHIRST), HIS FIRST WIFE.

JEAN HAMILTON, LADY ROSS, HIS SECOND WIFE.

Sir Robert Melville of Burntisland was the only child of Sir Robert Melville of Murdochcairnie, first Lord Melville, and his first wife, Katherine Adamson. He is first named in a contract between his parents and Sir Thomas Ker of Ferniehirst for his marriage to Margaret Ker, daughter of Sir Thomas. Her mother was Janet Kirkcaldy, daughter of Sir William Kirkcaldy of Grange, and grand-niece of Sir Robert Melville, who was thus great-grand-uncle of the bride. The contract provided for securing Margaret Ker in the liferent of the half-lands of Hillcairny, and in 200 merks annual-rent from the lands of Woodfield and Grangemure, in Fife. The contract also provided that in the

event of the younger Melville being the sole heir-male of his father, or dying without issue, the lands of Murdochcairnrie and Hillcairnry, with the office of keeper of the palace of Linlithgow, should pass to Sir Robert's elder brother, John Melville of Raith; the east quarter of Wester Kinghorn to Sir James Melville of Hallhill; the lands of Woodfield to David Melville of Newmill; the lands of Grangemurc to Andrew Melville; and two chalders of wheat from the lands of Letham to William Melville, all brothers of Sir Robert.¹

In 1586, the younger Melville and his wife joined with his father and mother in arranging an exchange of lands with Thomas Oliphant, giving their half of Hillcairnry, and 500 merks, for his quarter of Murdochcairnrie and other lands named.² In the same year, Patrick, Master of Gray, as commendator of the monastery of Dunfermline, granted to the younger Melville a ratification of his recent infeftment in the "stane hous" called "the abbotis hall," with six acres adjacent to the haven of Burntisland, near the lands of Wester Kinghorn, as described. These lands, haven, and house had been resigned by George Durie, a former commendator, into the hands of King James the Fifth, who erected the haven of Burntisland into a free port and the burgh into a royal burgh. Queen Mary also is said to have granted the house of Abbotshall to Sir Robert Melville, who now resigned it in favour of his son. This resignation, and the infeftment following, the Master of Gray ratifies in due form.³

In November 1587, the younger Melville joined with his father in resigning the office of keeper of the palace of Linlithgow in favour of Sir Lewis Bellenden of Auchnoul.⁴ In the following year the king granted to the elder Melville, for good service, and to his son, the lands of Wester Kinghorn or Over Kinghorn, Welton, Orrock, Balbie, and other lands named, and an annual-rent of 53s. 4d. from the monastery of Inchcolm, with the castle of Burntisland. The king also conferred the privilege of free regality, chapel, and chancery of the lands, the superiority of the same, with the advowson of the church of Wester Kinghorn, and erected the whole into a free barony and regality to be named Burntisland. This grant was made in January 1588; but on 1st March the elder Melville resigned the lands, and the king bestowed the barony on his son, with the office of customs-receiver at the port of Burntisland.⁵ In May of same year, the lands of South Ferry of Portincraig, now Ferryport-on-Craig, with the town, port, and right of ferry, at a yearly

¹ Original contract, dated at Edinburgh and Murdochcairnrie, 24th and 25th October 1584, in Melville Charter-chest.

² Registrum Magni Sigilli, etc., Nos. 1393, 1394.

³ Vol. iii. of this work, pp. 125-127.

⁴ Registrum Magni Sigilli, No. 1417.

⁵ Registrum Magni Sigilli, 1580-1593. Nos. 1430, 1476, 9th January and 1st March 1588. On the last date also, the king granted the lands of Letham, with the mill of Monimail. [*Ibid.* No. 1475.]

rental to be paid to the crown of £25, 8s. 3d. Scots, were granted to the elder Melville in liferent and to the son in fee.¹ Their possession of this ferry and of the fishings attached seems to have been peaceful for the next five years, when opportunity was taken of the absence of the elder Melville in London in 1593 to disturb it. A number of persons who claimed feus in the lands obtained a confirmation from the crown of a charter by the archbishop of St. Andrews in their favour. This deed, however, was challenged by the Melvilles, in January 1594, before the privy council, and as the claimants did not appear in their own defence, judgment was given in favour of Robert Melville and his father, as the writ was a violation of the act of annexation.² The younger Melville is at this date, 26th January 1594, described as Sir Robert Melville of Burntisland, but when or for what reason he received the rank of knighthood does not appear.

Sir Robert Melville of Burntisland was, it is said, one of those courtiers who joined in stirring up the tumult of the 17th December 1596, which had for its object the overthrow of the Octavian administration.³ This was done by suggesting to the ministers that the Octavians meditated the re-establishment of Popery, and on the other hand by warning the Octavians of the unfriendly attitude of the church. As is well known, the agitation ended in an uprising of the citizens of Edinburgh, which was soon quieted, but which effected the end desired—the resignation of the Octavians.

In December 1600, the younger Melville was, as already stated in the previous memoir, admitted a member of the Scottish privy council in place of his father who retired, and in the following February he was promoted to his father's post of extraordinary lord of session, under the title of Lord Burntisland.⁴ In his capacity as privy councillor he attended as regularly as his father had done, but never took so prominent a place in public affairs. Two notices of him about the same period connect him with a person whose tragic fate a year or two later created somewhat of a sensation in Edinburgh. This was Francis Moubray, son of the deceased John Moubray, laird of Barnbongal, who had been an adherent of the turbulent Bothwell, and who in 1602 was accused of a design to murder or poison King James. He was confined in Edinburgh castle, and made an attempt to escape, but fell on the castle rocks and was so seriously injured that he died soon afterwards. On the present occasion, in July and October 1601, Moubray

¹ Registrum Magni Sigilli, No. 1543, 18th May 1588. The whole of these grants and baronies were ratified to the younger Melville on 1st February 1592. [*Ibid.* No. 2040.] A similar grant was made of the lands of Murdochheairnie and others named. [*Ibid.*

No. 2046, 7th February 1592.]

² Register of Privy Council, vol. v. pp. 124-126.

³ Calderwood, vol. v. p. 510.

⁴ Register of Privy Council, vol. vi. p. 182; Books of Sederunt, vol. iv. part ii. fol. 303.

appears to have been charged with plotting in some form or other, perhaps in connection with the Roman Catholic party, though there is also evidence of a correspondence with England. Whatever his offence, he was warded in Edinburgh, and Sir Robert Melville became one of three sureties on his behalf. At a later date he was commanded to leave Scotland, and obliged himself, on being released from ward, to go to Burntisland and remain there under Sir Robert's charge until he could quit the country.¹

After the accession of King James to the English throne Sir Robert Melville, the younger, was one of those who followed him to London, and he acted as one of the Scottish privy council there.² In 1607, as a privy councillor and lord of session, he took the new oath of allegiance which in that year King James imposed upon all who held public offices, and which acknowledged the king as "onlie supream governoure of this kingdome over all persons and in all causes," an enactment intended to give the king greater authority over the clergy.³ In 1610 the younger Melville, with other three extraordinary lords of session, was deposed from office for a short time, that the king might place John Spottiswood, afterwards archbishop of St. Andrews, in one of the vacancies, but Melville was soon restored to his place. A little later he was made a member of the king's new privy council, and was assiduous in his attendance as formerly.⁴

In 1613, Sir Robert Melville of Burntisland and his second wife, Jean Hamilton, entered into an agreement with the elder Sir Robert to infest the latter's third wife, Lady Jean Stewart, in an annual-rent for her life of ten chalders of victual composed of one chaldar of wheat, four chalders of barley, and five chalders of oats, secured upon the lands of Murdochcairnie.⁵ In June of the following year, 1614, he appears to have been in London or at court for a time, as he then received a letter from Alexander, Earl of Dunfermline, chancellor of Scotland, written in some perplexity as to certain communications as to which he wished Lord Burntisland to speak to the Earl of Somerset. The chancellor states what these are, and expresses an opinion that they could not have been sent with the king's knowledge, as they were contrary both to the law and practice of Scotland. Another letter from the king on which the chancellor comments was a protection in favour of Francis Stewart, son of the late Earl of Bothwell. The king desired the writ to be so framed that it should not prejudice the forfeiture of the father, but that it should mean only liberty to Stewart to marry and possess

¹ Register of Privy Council, vol. vi. pp. 690, 700; cf. Calderwood, vol. vi. pp. 160, 203, 204.

² Register of Privy Council, vol. vi. pp. 577, 582.

³ Register of Privy Council, vol. vii. p. 385.

⁴ *Ibid.* vol. vii. pp. 406, 415.

⁵ Duplicate Contract, signed, year 1613, day and month blank, in Melville Charter-chest.

what he could gain by marriage or otherwise lawfully, and to have equal rights with other subjects as if he had not been dishabilitated by his father's forfeiture. The chancellor expresses himself "mistie" on the subject of this protection as he has no intelligence of the promoters of the affair, which, he says, makes his service difficult; but, he adds, "I hoipe alwayis, God willing, I sall keip the pairt off a guid skipper. I sall doe all may be done be sic winde and wadder as fallis me, and if the wadder sould ouer whelme me, I sall perish with the ruidder in my hand on a dew and honest course."¹ He concludes with an opinion that the king meant to restore Stewart's estate, an opinion so far justified by an act of rehabilitation granted a few years later.

Other notices of Lord Burntisland during the next few years are unimportant. In January 1614, he and his wife, Jean Hamilton, signed a document securing the elder Sir Robert Melville in the liferent of Monimail and Letham, the teinds of which they had purchased from the Crown.² In December of the same year he received a discharge from Robert Durie of that ilk of the sum of 2400 merks, apparently a mortgage over the lands of Ferryport-on-Craig, from possession of which Durie had been evicted by the archbishop of St. Andrews.³ About the same date Sir Robert acted as one of the cautioners of his nephew by marriage, Andrew Ker, younger of Oxnam and Ferniehirst, that the terms of his marriage contract with Margaret Ker, widow of Lord Yester, and daughter of Mark Ker, Earl of Lothian, would be carried out.⁴ In 1617, he received from the privy council permission for himself and friends to eat flesh during Lent, and on three days a week for one year.⁵ In August 1621, the Scottish parliament ratified to Sir Robert and his wife a charter, dated in 1613, granting to him the lands of Letham, mill of Monimail, lands of Monksmyre and Edensmoor, and erecting them into the barony of Monimail. The same parliament accepted an offer made by him and the other extraordinary lords of session to tax themselves in aid of a subsidy required by the king. In July of this year also, 1621, Sir Robert appended his signature to an act affecting the clerks of session, which was likewise ratified by parliament.⁶

In December of the same year, 1621, Sir Robert Melville of Burntisland succeeded to his father in his title and full possession of his estates as second Lord Melville of Monimail. His father's will, though not appointing him executor, left so few legacies that he was practically the receiver of the whole personal estate.

¹ Letter, dated 21st June 1614, vol. ii. of this work, pp. 75, 76.

⁴ Original minute, *ibid.*

² Original writ in Melville Charter-chest, 14th January 1614.

⁵ Vol. ii. of this work, p. 77, 8th March 1617.

³ Original receipt in Melville Charter-chest.

⁶ Acts of the Parliaments of Scotland, vol. iv. pp. 661, 693, 696.

Lord Melville was a member of the first convention of estates in Scotland after the accession of King Charles the First, which voted a large subsidy to the new monarch. In this convention some opposition was made to certain measures proposed by the king affecting the lords of session, and Lord Melville probably joined in the request made for delay and fuller consideration by the estates. The king, however, disregarded this plea, and in the beginning of 1626, Lord Melville and the other extraordinary lords were deprived of office by a royal order. But as a member of the privy council he was present at a convention of estates in July 1630, when he formed one of a very important committee which was appointed to deal with the subject of fisheries in Scotland.

The king, probably inspired by Sir William Alexander, had issued a letter to the estates of Scotland drawing attention to "the great blessing offered . . . in the great abundance of fishe vpon all the coasts of these yllands" which should no longer be neglected. The benefit of this, his Majesty states, "is reaped onelie by strangers" to the disadvantage of his own subjects, and he expresses his intention "to sett up a commoun fishing to be a nurserie to seamen and to increasse the shipping and trade in all parts" of the kingdom. He proposes that "adventurers" from both England and Scotland should unite in this undertaking in the manner of a joint-stock company. An estimate is then given of the number of vessels, 200, to be used in addition to those actually employed, with the cost of their outfits and crews, and a note of probable profits to be realised in the enterprise. The affair was to be managed by one body or corporation, with separate companies or branches in various chief towns of the country, these branches being contributed to by people in the neighbourhood. The form of the corporation was to be modelled upon similar bodies lately constituted in Spain, France, and the Low Countries, and the common council was to be composed of men of both nations. The adventurers or those who embarked in the undertaking were to be subjects of the king only, no foreigner being allowed to take part.

Such in the main was the king's proposal, and a committee of the estates, of whom Lord Melville was one, was appointed to deal with the subject and the possibility of procuring a good conclusion. Some days later they reported that the association with England was inconvenient, that the burghs were able and willing to undertake by themselves the land fishing among the lochs and islands and twenty-eight miles from the coast, without help from any other nation, provided they have proper stations. Englishmen were prohibited, the committee added, by law, from fishing in the lochs. It is unnecessary here to detail the proceedings of the committee, which were prolonged for several months; but on 23d December 1630, Lord Melville joined in a letter to the king recommending

special commissioners to treat with those of England. He also seems to have attended later meetings of the committee, in which was considered the question of what fishings on the Scottish coast should be thrown open to the company and what reserved to the natives. This somewhat difficult point being settled, matters were finally adjusted, and the king, on 19th July 1632, issued a charter erecting a society or corporation to be composed of Scotchmen, Englishmen, and Irishmen, granting them exclusive jurisdiction in matters relating to fishing, with power to take sea fish and herring, but excluding salmon, and under reservation of particular districts to be fished only by natives, and further conferring certain privileges.¹ Lord Melville's name, however, is not among the members of the new association, and its duration and working were probably interrupted by the troubles which arose a few years later.

These were even now beginning to show themselves, for some matters proposed at the convention of 1630 were looked upon by many as mere court devices, and even the taxation, though heartily voted, was regarded with jealousy because of the way it was expended. In 1633, King Charles visited Scotland for his coronation there, and also held a parliament, at which measures were passed which gave great offence to many of the members and to the country at large. One of these, and perhaps the most important in its consequences, was an act which united the question of the apparel of churchmen and the larger subject of the king's prerogative. This act was prepared by the lords of the articles, composed in this case of eight bishops and an equal number of courtiers, who were devoted to the king's policy; but when it came before the whole parliament, to be accepted or rejected, as was then the custom, there was considerable opposition. The act as it was framed was specially objected to, as, while most or all of the members were willing to accept the clause affirming the royal prerogative, many were strongly opposed to the other clause, which foreshadowed innovations. Many stories are told of how the opposition was overcome or ignored; and from one of these narratives it appears that Lord Melville strongly objected to the second clause of the act, and, addressing the king, exclaimed, "I have sworn with your father and the whole kingdom to the confession of faith, in which the innovations intended by these articles were solemnly abjured."² It is added that Charles, disconcerted at this unexpected address, retired for a little, but shortly returned, and producing a list of the members, noted with his own hand those who voted against the measures he wished to carry. Lord Melville, however, continued to sit in the privy council, and was one of a special com-

¹ Acts of the Parliaments of Scotland, vol. v. pp. 208, 220-246.

² Senators of the College of Justice, p. 243.

mission for auditing the treasurer's accounts, in February 1634, or about a year before his death.¹ He also, it is said, took much interest in the case of the second Lord Balmerino, who was in June 1634 confined on a charge of treason.

As to private affairs, he and his wife, Jean Hamilton, in 1627, resigned into the king's hands the lands and barony of Monimail as described, and also the "title, honour, and dignitie of the lordship of Monymaill," granted by the late King James. In regard to this the king wrote to the lord advocate that, because of the long and faithful services performed by Lord Melville and his father, his Majesty was pleased to accept the resignation of his title, and to regrant it to him and any of his heirs upon whom he intended to confer his estate.² In terms of this a signature was issued on 17th August 1627, granting the barony of Monimail to Lord Melville and his wife in conjunct fee, and failing lawful heirs of his own body, to any heirs-male, general or of conquest, whom he should nominate at any time during his life; reuniting the lands and erecting them of new into a barony; granting the dignity of new, and adding a special clause that the heir to be named by Lord Melville shall "have the onlie richt of successioun."³

Robert, second Lord Melville of Monimail, died on 19th March 1635. He made his last will on the 9th of that month, appointing John Melville of Raith and James Melville of Hallhill his sole executors. The sum of his personal estate amounted to £18,186, 13s. 4d. Scots, while the whole estate, deducting the debts due by him, estimated at £3304, 7s. Scots, yielded the considerable sum of £28,571, 3s. Scots. Among other items of his personal property are noted, as in the hands of Robert Hamilton of Milnburn, three chains of gold, two jewels, a "hingar of ane agatt," a ring with five diamonds, and a "garnissing" twenty pieces of gold, and three dozen gold buttons, valued in all at £1400 Scots.

Among the legacies left by Lord Melville were, to Margaret Scott, widow of his wife's son, James, Lord Ross, a plaited chain of gold with a rich jewel of diamonds thereat; to Mrs. Jean Ross, her daughter, "ane nett cheinzie of gold in my playid with ane skarff sett with pearle; to James, Lord Ros,⁴ if it pleis God he returne, and failzeing of him be deceis, to William Ros, his brother, ane purse of cloth of gold and tuentie-thrie or thairby peise of gold within it;" to Robert Ross a stand of gold buttons, and another stand to William Ross; to Lady Raith a jewel set with three diamonds and three pearls; to Lady Hallhill a chain of gold enamelled "sett with grit knaps and ane agatt with ane mort-heid on the other

¹ Register of Royal Letters, vol. ii. p. 719.

² *Ibid.* vol. i. p. 159; Original resignation, undated, in Melville Charter-chest.

³ Copy signature, *ibid.*

⁴ James, Lord Ross, here named, died in 1636; he and his brothers, William and Robert, were the grandchildren of Lord Melville's second wife.

syde." Lord Melville also bequeathed to James Melville, brother to the laird of Raith, one thousand pounds; to Mr. Robert Melville, brother of the laird of Hall-hill, one thousand merks; to Robert Balfour, brother of Michael Balfour of Grange, two thousand merks; to Harry Melville, brother of Sir George Melville of Garvock, two thousand merks; to Jean Adamson, daughter of the Goodman of "Graycruik" or Craigcrook, five hundred merks; with various sums to others, including his servants. The residue of his estate, after paying legacies, was to be divided between his executors.¹ Lord Melville died at Edinburgh, but was interred at Monimail without any funeral ceremony on 15th April 1635.²

Robert, second Lord Melville, was twice married, but had no surviving issue by either of his wives. His first wife was, as already stated, Margaret Ker of Ferniehirst, whom he married in 1584. She died on 24th May 1594, after making a will in which she appointed her husband her sole executor and virtually left everything she possessed to him, except £100 to be given to the poor.³ Lord Melville's second wife, whom he married before 1613, was Jean Hamilton, daughter of Gavin Hamilton of Raploch, and widow of Robert, fifth Lord Ross. Judging from a discharge granted to her in 1619 by her son, James, Lord Ross, she appears to have been a woman of some ability. Lord Ross speaks of his mother "haiving maist cairfully brocht me vp sen my infancie and maist providently governit my estait and leving to the maist evident weill and vtilitie of me my airis and successouris in respect of the greit burdenes and wodsettis being thairvpone the tyme of the deceis of my vmquhile father, quhilkis haill burdenes and wodsettis scho hes lauchfully redemit be debursing of greit sowmes of money. . . . As lykwyse that scho hes debursit beyond the sowme of fourtie thowsand merkis for my intertenement and chairges during my absence furth of this cuntry in the visiteing of forane nationis, and that by and attour greit sowmes of money debursit be hir for the rycht and assignatioun of my waird and mariage; as lykwys that now sen my lauchfull and perfyte aige my said mother hes maid trew and thankfull compt, &c. to me of hir intromissioun with my leving, maills," etc., for which reason he exoneris her and her husband, then Sir Robert Melville, of all their dealings with his estate.⁴ Jean Hamilton, Lady Melville, predeceased her second husband, dying in May 1631.

¹ Testament in Melville Charter-chest.

² Balfour's Annals, vol. ii. p. 223.

³ Vol. iii. of this work, pp. 136-140.

⁴ Original discharge, dated 5th May 1619, in Melville Charter-chest.

Melville

SIR JAMES MELVILLE OF HALLHILL, Author of the "Memoirs," 1535-1617.

CHRISTIAN BOSWELL, HIS WIFE.

Sir James Melville, who became a prominent courtier and statesman during the reigns of Mary, Queen of Scots, and King James the Sixth, was, as already stated, the third son of Sir John Melville of Raith by his second wife, Helen Napier. His "Memoirs of his own life"¹ are well known, and they will supply the material of this notice, additions being made where necessary, from original and other sources. He was born in 1535, and at the age of fourteen was sent to France by Mary of Guise, the queen-dowager of Scotland, to serve his young queen as a page of honour. He left Scotland in January 1549-50, in the train of John de Montluc, bishop of Valence, then French envoy to the Scottish court. Melville recites with considerable humour the adventures of the party after leaving the port of Irvine, whence they sailed to Ireland. A mishap, which cost the bishop the loss of a phial "of the only maist precious balm that grew in Egipt," valued at 2000 crowns, and the strong desire a young Irish maiden had to marry Melville himself, are graphically told. The lady had a priest ready, and the intended bridegroom only escaped by assuring her that he was yet young, was bound to France, and above all had no rents, that is, no income.

From Ireland the bishop and his party, who were greatly incommoded by stormy weather, again visited Kintyre, where Macdonald of Dunaveg was

¹ The latest edition of these Memoirs is that published by the Bannatyne Club in 1827. As stated in the preface, this edition was printed from what is believed to be the original MS., which had twice gone amissing and was twice discovered, first, in 1660 in the castle of Edinburgh, and secondly, in the possession of the Right Hon. Sir George H. Rose, with whose permission it was published. The previous editions have been numerous, and may be briefly detailed. The first edition was in folio, published in 1683 by a grandson of the author, George Scott of Pitlochrie, in whose hands the original MS. was for a time. The editor, however, took liberties with the MS., and deviated from its arrangement in some respects, which lessen the strictly historical value of the work. The second edi-

tion (of Scott's work) was published "at Edinburgh in the year 1735 in octavo," and was followed by a reprint, which may be called the third edition, published at Glasgow in 1751, in duodecimo. A translation of the Memoirs into French was published at the Hague in 1694, in two vols. 8vo; reprinted at Lyons in 1695, and at Amsterdam in 1704. A new or improved translation was issued in 1745, in three vols. small 8vo, said to be published "a Edimbourg chez Barrows et Young," but evidently printed abroad. The third volume contained letters, written chiefly by Queen Mary, selected from various printed works. [Memoirs of his own life, by Sir James Melville of Hallhill, Bannatyne Club edition, Preface and Appendix, where the various editions of the work are noted.]

specially kind to Melville in return for favours received from the latter's father, as stated in the memoir of Sir John. After another visit to Scotland, they took a final leave of the queen-dowager at Stirling, and after an eight days' voyage landed in France. Melville and a Scotch companion rode from Brest to Paris, whither the bishop preceded them, and on the way young Melville's knowledge of the language enabled him to circumvent intended knavery on the part of some French fellow-travellers. He arrived in Paris about Easter 1550, where, however, he was not at once presented to the young queen, but seems to have continued his education in various accomplishments. For three years he remained thus, when the bishop, who had returned to Paris from a foreign embassy, proposed to introduce him at court. But ere this was done, Melville had an interview, under somewhat peculiar circumstances, with the Constable de Montmorency, then virtual ruler of France. Captain Ringan or Ninian Cockburn, one of the Scots archer-guard, already referred to in the memoir of Sir John Melville, arrived from Scotland, and craved an audience with the Constable. Encountering Melville, Cockburn secured his services as interpreter, he himself speaking but "ill French." He undertook the office very unwillingly, and in the end refused to repeat the captain's account of affairs in Scotland. The captain claimed to be Melville's uncle, but this was indignantly denied, while the interview had this result that the Constable invited Melville to enter his own service instead of that of the Queen of Scots. This offer, as the Constable was esteemed the best master in France, and might do him most good, Melville accepted in May 1553.

Under the Constable of France Melville saw considerable military service. He attended his master in the Low Countries, France being then at war with the Emperor, Charles the Fifth, and was present at the siege of Renty, where he witnessed the bravery and the fatal wound of Norman Leslie, Master of Rothies, then in the French service. He was also at the battle or rather skirmish of St. Quentin, where the French were seized with a panic, and the Constable taken prisoner. Melville himself was wounded, and narrowly escaped captivity by his horse running away with him.

This was in August 1557, and the Constable remained a prisoner until, two years later, a peace was concluded by the treaty of Chateau-Cambresis.¹ Soon after the peace the attention of the French king, Henry the Second, was directed to the affairs of Scotland, and by the advice of his friend and patron, the Constable, Melville was despatched on a special mission to his own country. His instructions were to discover the intentions of Lord James Stewart, then known

¹ On 2d April 1559. M'Crie's *Life of Knox*, ed. 1855, p. 359.

as prior of St. Andrews, and afterwards Earl of Murray, whom the queen-regent charged with a desire to usurp the crown of Scotland. Melville arrived in Scotland at a most critical moment, reaching Falkland, where the regent was, on the very day when her forces, under the Duke of Chatelherault, and Mons. D'Oysel, the French lieutenant, were drawn up on Cupar moor to meet the army of the lords of the congregation.¹ A battle was averted by the prudence of the commanders of the regent's forces, much to her chagrin, and a truce was concluded. This gave Melville an opportunity for an interview with Lord James Stewart, which he obtained by the good offices of Mr. Henry Balnaves. The meeting with Lord James, and his frank statements of his position, satisfied Melville, who at once returned to France, only, however, to find King Henry the Second on his deathbed. With his decease, a few days later, the Constable of France was forced to retire from court, and Melville followed him in his adverse fortunes.

King Henry was succeeded by his son, Francis the Second, husband of Mary, Queen of Scots, who acted under the influence of the House of Guise, the family to which the queen-regent of Scotland belonged, and to which Melville attributes the origin of many troubles in that country. Matters there had been advanced by the arrival, on 2d May 1559, of John Knox, and at a later date, by the Protestant leaders taking possession of Edinburgh. French soldiers were despatched to the aid of the regent, while the Protestant leaders sought the aid of England. The state of affairs in Scotland led to harsh measures against Scotchmen residing in France, and Melville retired for a short time to the court of the Elector Palatine, whence he returned on the death, in December 1560, of Francis the Second. His mission was one of condolence, but he took a deep interest in the changes at the French court, where the Guises were now discredited, and the Constable of France and the young king of Navarre (father of King Henry the Fourth) were in favour. Melville himself was graciously received by the queen-mother, Catherine de Medicis, and sent back with friendly messages to the Elector Palatine, after taking leave of his widowed mistress.

When he again met the Queen of Scots it was shortly before her departure for Scotland, while staying with her uncle, the Duke of Guise. There Melville waited upon her with humble offers of service, for which she thanked him, and desired him, when he left the Elector Palatine, to come and serve her in Scotland. Ere that time arrived, however, a year or two elapsed, during which he was employed with regard to proposals of marriage made by certain continental princes for the two queens, of England and Scotland respectively. Duke John Casimir, second son of the Elector Palatine, sued for the hand of Queen Elizabeth,

¹ This was on 12th June 1559. Keith's History, p. 91.

while the Archduke Charles of Austria was proposed as a husband for Queen Mary. Melville was to be the envoy of both suitors. He, however, at first refused to bear the message and portrait of Duke Casimir to Queen Elizabeth. As to the other proposal, Melville had an interview with the Emperor Maximilian, brother of the Archduke, not to much purpose, and, learning by a stratagem the Emperor's real aversion to the marriage, he soon afterwards left his court, travelling to Rome. On his return to the Elector Palatine he was despatched to the court of France in reference to a proposed marriage between King Charles the Ninth and the second daughter of the Emperor Maximilian. His first interview with the French king and his mother was not favourable, but in the end Catherine de Medicis offered Melville a post of honour at the court of France.

While still weighing this offer, and staying at Paris, he received an invitation to come to Scotland on his queen's service, which he interpreted to refer to her marriage. Much against the wishes of his former patron, the Constable, and other friends in France, Melville determined to go to Scotland. The prince palatine also opposed his going there, but it was agreed that he should take Duke Casimir's portrait and present it to the Queen of England. Melville then left Heidelberg and passed to England, where he had an interview with Queen Elizabeth, to whom, after some diplomacy, he showed the portraits, offering them to her, with the exception of those of the elector and his wife, "bot sehe wald haue nane of them." Duke Casimir, however, took his rejection philosophically, and shortly afterwards married a princess of Saxony.

Besides her own affairs, Queen Elizabeth was sufficiently interested in those of her sister queen to deal with Melville as to the marriage of his mistress, but Elizabeth's opinions and intrigues on this subject are well known, and need not be detailed here. After passing through England Melville reached Perth, where Queen Mary then was, on 5th May 1564, and was favourably received. He relates with considerable naïveté her endeavours to win him to settle in Scotland, and his own objections thereto, as he saw little appearance of profit, and more prospect of trouble than he had expected. But her graciousness and liberal spirit so gained upon him that he was vanquished and won to tarry with her, and to leave all other profits or preferments in France or elsewhere, although he had then no other heritage than his service.¹

Mary's first intention was to employ her new courtier in Germany, but

¹ About this time, or at least on 20th July 1564, Queen Mary bestowed upon Melville, described as "Gentleman to the Queen's Majestie," a pension of £100 Scots for life,

to be paid out of the thirds of benefices. [Registrum Secreti Sigilli, Lib. xxxii. f. 84; cf. Acts of the Parliaments of Scotland, vol. iii. p. 246.]

she sent him to England towards the end of September 1564. He was instructed to gain the confidence of Elizabeth, to ascertain her real opinions as to Mary's marriage, and to secure some certainty as to her succession to the English throne. Melville conducted his negotiations with his usual skill, and has in his account of them left on record one of the most graphic personal sketches of Elizabeth herself, as well as of her favourite, Leicester, and Henry Darnley, afterwards king of Scots. The English queen was charmed with Melville's courtly ways, and gave him many opportunities for an interview. She secretly showed him, from her private cabinet, Leicester's portrait, while she excited his courtier-like devotion by kissing the picture of Queen Mary. The little plot by which Melville was enabled to hear Elizabeth play on the virginals, his being invited to see her dance, and the secret delight with which she received his proposal to carry her to Scotland in the guise of a page, all these have been frequently quoted, and are well known. The ambassador, however, was in no wise blinded by all the attentions and professions lavished upon him at the English court, and privately told his royal mistress that Elizabeth was practising dissimulation.

A more delicate matter on which he entered, and which he records at this time, was the queen's conduct towards David Riccio. The influence of that Italian had been growing, much to the displeasure of the Scottish nobility, who treated him in such a way that he took fright and consulted Melville as to his conduct at court. Melville advised him to put himself forward less prominently, instancing his own example in a similar position at the court of the Elector Palatine. Riccio tried to follow this advice, but afterwards told Melville that the queen would not agree to it. Melville then, seeing matters grow worse, approached her Majesty on the subject, but after hearing him patiently, she only thanked him for his care, and promised to take order in the matter.¹

Melville in his memoirs passes rapidly over the events which preceded and the motives which prompted the queen's marriage with Darnley. He himself, on one occasion, spoke to Mary in favour of the union, and indeed one of his secret commissions on his embassy to England was to deal with the Countess

¹ On 22d January 1565, the queen, in part recompence of the services of James Melville, her familiar servitor, granted to him a feu-charter of the lands of Drumcorse, in the county of Linlithgow. These lands had been feued by King James the Fifth to the late Margaret Crichton, Countess of Rothes, and

they afterwards formed part of the estate of her son, Norman Leslie, Master of Rothes. They were in the queen's hands by his forfeiture, and were to be held by Melville for a feu-duty of 40 merks and 20s. yearly.—[Registrum Magni Sigilli, vol. iv. No. 1579.]

of Lennox to obtain leave for her son to go to Scotland. Melville himself was confessedly a favourer of the Earl of Murray, but played a very diplomatic part throughout the whole affair, urging on the queen at a critical moment that she should pardon Murray and the other opponents of her intended marriage. The marriage with Darnley gave rise to numerous reports of danger to the reformed religion, he being a Catholic; but over these Melville passes lightly, while he tells quaintly enough a little story of his own experience. The Pope, he says, sent a sum of 8000 crowns to Queen Mary, but the ship containing the money was wrecked on the English coast within the jurisdiction of the Earl of Northumberland. That nobleman laid claim to the whole "by just law; quhilk," says Melville, "he caused his advocat read unto me (when I was directed to him for the said siluer) in the auld Normand langage, quhilk nother he nor I understod weil, it was sa corrupt. Bot he wald geue na part therof to the queen."

Notwithstanding Melville's prudent advice about the banished lords, especially backed by reference to evil reports, which were only too soon to be verified, the queen refused to stay proceedings against them. Melville, indeed, tells us that ere this he, being dissatisfied with his position at court, had begged leave from his mistress to return to France, but she refused to grant it, and used all her endeavours to bring about a friendly relation between him and her husband. This obliged Melville to devote himself more thoroughly to her service; but his well-meant efforts were in vain, as Mary had become too closely involved with her relatives of the house of Guise and other Catholic princes, who urged her to attempt the overthrow of Protestantism. This led the queen to hasten the intended forfeiture of Murray and the other offenders against her policy.

Riccio, too, counselled the queen to adhere to her Catholic allies, and this, with the hatred conceived against him by Darnley and other nobles, led to his tragic fate. Melville was apparently in the palace of Holyrood during the night of the murder, 9th March 1566, but does not appear to have been a witness. He says nothing of his own doings until the next morning, when he was allowed to pass out of the palace gate, and being observed by the queen, was despatched to the provost of Edinburgh, that he might summon the townsmen to her aid. In this he was unsuccessful; but by the queen's desire he had an early interview with Murray, when the latter returned from England on the Monday following the tragedy.

The queen's dexterity soon enabled her to detach Darnley from his associates in the plot against Riccio; and she used Melville as an agent to win Murray also

to her interest, which he succeeded in doing, at least for a time.¹ Melville himself was then acting as secretary of state, Maitland of Lethington being under suspicion. Murray's return to favour gave rise to jealousies, as to which, however, Mary talked quite frankly to Melville, who advised her to put them out of her mind. So strong was Melville's influence believed to be at this time, that the Earl of Morton, one of the most prominent of Riccio's enemies, made application to him for letters of introduction to the Elector Palatine and other German princes. The earl's agent was Melville's own sister, the wife of Johnstone of Elphinstone, and the matter was laid before the queen, who, however, forbade Melville to write in favour of Morton.

Melville, as is well known, was selected by Queen Mary to bear the tidings to Queen Elizabeth of the birth of her son, afterwards King James the Sixth, and he made such speed that he was in London on the fifth day after leaving Edinburgh. His interview with Queen Elizabeth, and the manner in which she received the news, have often been described. One remark of his own in the conversation is told with much complacency. In declaring the good news, he asserted that it was dearly bought with the peril of Mary's life, she "was sa sair handled in the mean tym, that she wished never to have bene married. This I said to geue her [Queen Elizabeth] a little skar to mary be the way;" for he had heard of certain threats of matrimonial intentions. The conversation then diverged to other matters. Before he took final leave of the English court, Melville again broached the subject of Mary's succession, but to no great purpose. The chief message he carried to Scotland was an advice from his brother, Robert Melville, then Scottish ambassador in England, that Mary should by all means preserve amity between the two kingdoms.

Melville on his return to Scotland found the political situation little changed, except that Bothwell had begun that career of ascendancy over Mary which ended so fatally for her and himself. Melville's recollection of the sequence of events at this time, however, is inaccurate, and requires to be supplemented from other sources. Thus he places the baptism of Prince James before the Queen's ride to visit Bothwell, which happened in October, whereas the baptism was in December. He also speaks of a confidential interview with Queen Mary at Stirling, when she was evidently in a very depressed state of mind. This was

¹ On 10th April 1566, Melville received from the king (Darnley) and queen, for life, a pension of 500 merks Scots yearly. The pension is granted for his past services, he having been in the service of a noble prince,

receiving "large commoditie," and having left the same at the queen's desire, and entered her service, where he had "servit respectablie." [Register of Privy Seal, Lib. xxxiv. f. 63.]

previous to the baptism, and was probably a result of the severe illness which attacked the queen after her visit to the Hermitage. Melville says he gave the queen much good advice, but laments that she had "ouer evell company about hir for the tym." He describes the baptism and some peculiar pageants which were exhibited, but he hurries over events, merely touching on the coldness which had arisen between the queen and her husband,¹ and the alliance between Murray, Bothwell, and Morton, until the tragedy of Darnley's murder. Melville himself was invited the next morning to visit the place and see the king's body, that there was no hurt or mark on it. He went, but found the body guarded, and did not see it.

When the excitement caused by Darnley's death had subsided, and public rumour was busy with the report of the queen's intended marriage to Bothwell, Melville suddenly found himself placed in a delicate position as regarded his mistress and her lover. He had received from Thomas Bishop, a well-known Scottish emissary in England, a long letter setting forth the evil consequences of such a union as was reported. This letter he laid before the queen, who, describing it as a "strange wretting," showed it to Secretary Lethington. The secretary, taking Melville aside, asked what he meant, and said—So soon as the Earl Bothwell gets word, as I fear he shall, he will not fail to slay you. Melville made a faint excuse, and Lethington remarking that he had done more honestly than wisely, advised to him to retire with diligence ere Bothwell came up from his dinner. The sequel may be told in Melville's own words: "Hir Majeste told him [Bothwell] at the first meting, with a condition that he suld not do me any harm; bot I was flown and was socht bot culd not be found, till my lordis fury was slaiked, for I was advertist that ther was nathing bot slauchter in caice I had bene gottin." The queen, however, interfered, and Melville was restored to her service.

He was in her retinue when on her way from Stirling to Edinburgh. Bothwell, with a numerous company, met her near Linlithgow, and seizing her bridle, forced her to ride with him to Dunbar. A few of her train, including Melville, were compelled to go also, but he was soon liberated, and went home. He was

¹ An incident illustrative of the relations between Mary and Darnley, and in which Melville figured, is told in a letter from the Earl of Bedford to Cecil. An English merchant having a fine water-spaniel, gave it to James Melville, who, seeing the pleasure Darnley took in such dogs, presented the

animal to him. This gift was highly displeasing to the queen, who "fell mervelouslie out" with Melville, called him dissembler and flatterer, and said she could not trust him who would give anything to such one as she loved not. [Quoted in Calderwood, Wodrow ed., vol. ii. p. 326, note.]

present at the marriage, on 15th May 1567, between Mary and Bothwell, and had a meeting with that powerful nobleman, when he was greeted in a jocular manner as having been a great stranger. The earl asked him to supper, and when he declined, pledged him in a cup of wine, and desired him to drink it up that he might grow fatter; for, said Bothwell, "the zeal of the commoun weal has eaten you up and made you sa lean." The rest of the conversation shocked Melville so much that he made his escape, and went to wait on the queen, who, he says, "was very glaid of my commyng."

Bothwell had no sooner married the queen than he endeavoured to get her son, the infant prince, into his hands. The child was then at Stirling castle, in the custody of the Earl of Mar, who refused to deliver him; but so much pressure was put upon Mar that he scarcely knew what to do. In his perplexity he applied to Melville, who suggested a way out of the difficulty; but the question was disposed of by the sudden flight of the queen and her husband from Holyrood palace to Borthwick castle. This step was caused by a strong gathering of the Scottish nobility, who had entered into a confederacy against Bothwell, with the avowed objects of avenging the murder of Darnley and upholding the safety of the prince. In the important events which followed, including the meeting of the queen's army and that of the confederate lords at Carberry Hill, the surrender of the queen and her subsequent imprisonment in Lochleven castle, Melville appears to have taken no prominent personal part, though he adhered to the confederates.¹ It is after the queen was compelled to demit the crown that we first find him named as an actor in the drama. A gathering of the Hamiltons and a few other noblemen of the queen's party had taken place at Hamilton, and to them Melville was sent as an envoy to announce Mary's demission and the intended coronation of the young prince. He was courteously received, but his mission led to no practical result; and the Hamilton party, though they did not oppose it, refused to countenance by their presence the coronation, which took place at Stirling on 29th July 1567.

Meanwhile the Earl of Murray, who had been in France, received an offer of the regency, and was now on his way home to Scotland. He arrived at Berwick in the beginning of August 1567, and Melville, whose talents for diplomacy seem to have been appreciated by all parties, was commissioned to meet him there,

¹ He is, however, casually mentioned by Sir Nicholas Throckmorton, the English ambassador, as meeting with him at Fast Castle on 11th July 1567. Melville probably accompanied Secretary Lethington, but he himself

does not record the fact. [Letter, Throckmorton to Cecil, 12th July 1567. Robertson's History of Scotland, Appendix No. xxii.]

and formally declare the offer of the regency. This errand Melville undertook readily in the hope of giving Murray timely good counsel. He was charged with two different sets of instructions from two parties among the confederate lords. On one hand he was to inform Murray of their proceedings, and to require that nothing should be done with the queen without them, for they were afraid of his being too lenient with her. The other party prayed him on the contrary to be kind to Mary and keep favour with her. This advice, Melville says, Murray approved; but he alleges that when, after accepting the regency, he had an interview with the queen, he reproached her so bitterly as almost to break her heart, and that he thus cut the thread of love and credit between her and himself for ever. Melville adds that those, including himself, who found fault with the regent for this, lost his favour; but it may be doubted whether Melville was not more free than wise in his counsels.

At this point Melville deprecates the fact that a little more address was not displayed in the dealings of the king's party with the Hamiltons and others, who formed the queen's party. They, he thinks, if rightly dealt with, would have joined the original confederacy and much evil might have been averted. Melville evidently hoped the queen would be restored, if she had not escaped untimely from Lochleven, for the regent though rigorous "was facill and might have bene won with proces of tym be hir wisdome, and the moyen [means] of hir frendis that wer in his company." But whatever hopes Melville and others may have entertained of again seeing Queen Mary on the throne were frustrated by her escape from captivity, the battle of Langside, and all that followed.

Melville states that the queen desired to take refuge in the castle of Dumbarton, and gradually to win back her subjects to their allegiance, but her adherents insisted on hazarding a battle. She also endeavoured to bring about an agreement between the parties, and wrote to Melville desiring his aid in the matter, but her army advanced so rapidly there was no opportunity for negotiations.

After the queen's flight into England, the first event of importance recorded by Melville was the conference at York, and the subsequent meeting at Hampton Court, when the accusation against Queen Mary of being accessory to Darnley's murder was made before the English commissioners. Melville's whole sympathies appear to have been opposed to Murray's conduct in this affair, and while he relates the proceedings in a very graphic manner, he contrives to bring the accusers of Mary into ridicule. But the story has been often quoted, and though Melville appears to have been present, he does not expressly say so. There is therefore less reason for repeating the details. It would appear that Melville's sympathies, though he adhered to Murray's party, were strongly drawn to

favour those who had declared for the queen. He seems to have had a special admiration for his nephew, Sir William Kirkcaldy of Grange, and when Secretary Lethington and Sir James Balfour were, by order of the regent, arrested for complicity in Darnley's murder, Melville interceded with the regent that they should be banished or set at liberty, promising that if this were done, Grange would deliver the castle of Edinburgh, and the regency be thus more firmly established.

The death of Murray by the assassin's bullet within a few months afterwards, on 23d January 1570, calls forth from Melville a eulogium, mingled with such criticism of the regent's political career as to suggest the idea that Melville's dissatisfaction with Murray arose chiefly because the latter would not take his advice. Melville tells us he gathered divers scraps of wisdom from Solomon, Augustine, Plutarch and others, but chiefly out of the Bible, which he was wont to recite to the regent on all "erroneous occasions," that is, when he thought Murray was mistaken in his policy. He complacently adds that Murray "tok bettir with them therfore, then gif they had proceadit from the learnit philosophers; therefore I promysed to put them in wret and giue him to kepe in his poutche, bot he was slain as said is, before I culd meit with him."

Of the political movements which followed immediately upon the Regent Murray's death, Melville takes little notice. Randolph was despatched as English envoy to Scotland, and the Earl of Sussex was ordered with a strong force to the borders. The election of a successor to Murray was delayed, partly that Elizabeth might be advised on the subject. Meanwhile Melville himself appears to have joined the party of Grange, Lethington, and others who were now beginning to declare openly for the queen's faction, and he was sent on their behalf to deal with the Earl of Sussex, and to learn that nobleman's intentions. He was well received and hospitably entertained, but returned to his patrons with no decided answer, though with a firm opinion that Sussex was sent to play a double part—on the one hand to promote the election of Lennox as regent and promise support to the king's party, while on the other hand he also encouraged the queen's faction.

It is characteristic of Melville that though in his mission to Sussex he was acting as agent for Grange and others who were in league with the Hamiltons, he yet thought it his "dewty" to visit at Berwick the regent-elect, who was one of the most bitter opponents of the queen's party. Melville's excuse for this visit was that when Lennox had come to Scotland with his son Darnley in 1565, his countess had recommended him to rely much on the advice of Melville and his brother Robert. Melville therefore now presumed on his former friendship to dissuade Lennox from accepting the regency, setting forth the disturbed state of

the country, which would put his life in peril. At the same time he offered the earl his own service and assistance, while admitting that this was not the intention of those in Edinburgh Castle. The conference concluded by Melville's hoping that Lennox might still continue the friendship he had with Grange. While returning homeward Melville met the abbot of Dunfermline (Robert Pitcairn), the agent of the king's party, on his way to meet the Earl of Lennox, and afterwards to England, to negotiate the delivery of Queen Mary to the custody of the Scots.¹

After Lennox came to Scotland and assumed the regency, Melville wished to attend on him in various expeditions, but was detained by Randolph, the English ambassador, on the pretext that he might become a mediator between the regent and those in the castle of Edinburgh. Grange had not yet made up his mind to break finally with the king's party, and some negotiation did take place. But Melville openly declares that Randolph's intentions were the reverse of pacific, and rather to promote strife than reconciliation. Into Melville's views on this point, however, it is unnecessary to enter, the more so as his anger was excited against Randolph by a personal matter in which the English Resident overreached him, as he believed. This referred to the teinds of the lands of Letham, near Monimail, in Fife, the right to which had been promised to Melville. Randolph offered to secure the fulfilment of this if Melville would aid him with the queen's party; but the teinds were bestowed on some one else, which partly explains the severe terms in which Melville condemns Randolph's policy.

This policy, and certain advices from England regarding it, had, according to Melville, nearly produced a result opposite to that which the Resident desired, as the factions were almost driven to combine against England. But the bestowal of the bishopric of St. Andrews upon the Earl of Morton led to that nobleman doing his best to prevent any agreement. One step taken to this end was the arrest of Melville himself, which was effected by the Earl of Buchan.² When arrested Melville was at a wedding at Fordel, and his friends there being numerous, offered to chase the earl back again, but Melville would not permit this, and went with his captor willingly. When he arrived at Leith, where the regent's camp was, it was proposed that he should send a message to his friends in the castle that unless it were delivered his life would be in peril. But he

¹ It is not easy to follow Melville's chronology, which appears confused at this point, but the sequence of his interviews with Sussex, Lennox, and others have been stated as he narrates it.

² The Earl of Buchan at this date was a distant kinsman of Morton, Robert Douglas, a son of the laird of Lochleven, who had married Christian Stewart, Countess of Buchan.

refused to do this, ridiculing the proposal as a childish tale. Kirkcaldy of Grange, however, when he heard of the capture, sent a secret message offering to rescue the prisoner; but Melville would not consent, assuring him there was no danger, and this turned out to be the case, as the arrest was only laughed at, and Melville was liberated without being brought before the council at all.

This incident apparently took place some time in the year 1571, and Melville passes rapidly over the death of the Regent Lennox in September of that year, and the election of Mar as his successor. The next event which he records as personally affecting himself is the arrival in Scotland of Mr. Henry Killigrew as ambassador from England, in August 1572, after the massacre of St. Bartholomew. Killigrew was an old friend of Melville, and sent for the latter to talk with him. Killigrew assured Melville that the Earl of Morton was the person in Scotland upon whom the hopes of Elizabeth and her ministers were placed. Melville told this to his friends in the castle. Killigrew at a later date had an interview with them, but without immediate result, and at another attempt Kirkcaldy plainly refused to refer the matters in debate between him and the king's party to the decision of the English queen and council. About this time Melville himself was summoned by the Regent Mar, and commissioned to make another effort to make peace with Grange and his adherents, which, according to the envoy, was nearly completed when Mar took ill and died after a short sickness.

This untoward event threw matters into confusion, but the Earl of Morton was declared regent, and he assured Melville, who was again the intermediary, that he would fulfil the conditions made with the Earl of Mar. More difficulty was made in agreeing with Morton, whose character was much disliked, yet Grange and Lethington both assented to a peace. But when Melville went to Morton and reported the result, adding that Grange's influence would be useful to bring about a general agreement, the regent replied that he did not mean to agree with the whole of the opposite faction. He then gave his reasons, and bade Melville show to Grange that either he and his friends must agree separately from the Hamiltons and their allies, or the latter would make their peace without reference to those of the castle. To this Melville only answered that he understood the regent, "his speech was very plain." Kirkcaldy received the result of the conference calmly, asserting that if the Hamiltons now deserted him he deserved better at their hands, but he would rather they deceived him than that he should do so to them.

At first Morton seemed to respect this chivalrous dealing, but in the end he negotiated a separate pacification with the Hamiltons, and when that was

concluded he refused to deal further with those of the castle. The fortress was besieged by an English force, who brought very heavy artillery to bear upon it, and soon effected a breach. Two of Melville's brothers, Robert and Andrew, were among those who remained in the castle to the last, and when the final surrender took place, and the chief defenders were, after a few days of respite, made prisoners, Robert Melville would have been executed but for the express desire of Queen Elizabeth. To Kirkcaldy no such mercy was shown, and he was executed on 3d August 1573, his death calling forth from Melville a eulogium which has been often quoted, and which forms one of the most beautiful passages in his Memoirs.

After narrating this tragedy, Melville treats of more general matters, including the character of the Regent Morton, his mode of government, and the education and surroundings of the young king, summing up in a few pages the chief events between the death of Kirkcaldy in 1573 and the fall of Morton himself in 1581. Only one personal incident does Melville relate about himself during this period, but it is characteristic. Morton, he says, had become proud and disdainful, and although his government was firm, his conduct gave great offence to many. Among others, the laird of Carmichael, who was one of his closest adherents, felt aggrieved at the regent's ingratitude, and would have left his service. But he consulted Melville, whose advice was worldly wise in the extreme, and not without a touch of sarcasm. He referred to his own case and that of his brother in the service of the Regent Murray, how when they had admonished their master, they had lost his favour, while others gained it by flattery and obsequiousness. "Thir men wan him and we tint (lost) him, and apperantly," said Melville to Carmichael, "ye folow the lyk fulische behauour as we did; therefore ye mon tak up another kynd of doing now sen your frend is become regent. Imagen that ye wes never acquainted with him of before, bot entrit to serve a new maister. Cast never up your auld and lang service; bek (bow) laich, 'grace' him at every word, find na falt with his proceedingis, but serve all his affections with gret diligence and continowell onwating, and ye sal be sure of a reward. Other wayes all the formair tym spendit in his service sal be tint, and he sal hate yow." Carmichael was wise in his generation; he became a greater courtier than before, and was employed, rewarded, and enabled to do pleasure to his friends; but, Melville concludes, "I fand him not thankfull efterwart to me for my consaill."

Other matters of personal interest to Melville which occurred about this period, but which are not referred to in his Memoirs, may here be noted. They relate chiefly to the lands from which his best-known designation was derived,

Hallhill, possession of which he acquired about 1570. The lands of Easter Collessie or Hallhill, in the parish of Collessie, Fife, had belonged to Mr. Henry Baluaves, of whom mention was made in the memoir of Sir John Melville of Raith. A senator of the college of justice, he was an active adherent and promoter of the Reformation, and having joined the garrison of St. Andrews after the death of Cardinal Beaton, was carried prisoner to Rouen in France, where he remained a captive till 1550. His estate in Scotland was restored to him in 1556, when apparently he returned to his own country.¹ While residing abroad he met James Melville, then at the court of France, who gave him assistance and showed kindness to him as a countryman. This Baluaves repaid by adopting Melville as his own son, having no children of his own.² Baluaves died in February 1570, leaving, by his testament, dated 3d January that year, his whole estate to his "sone" or "sone adoptive," James Melville, who was also appointed sole executor.³ Among his other legacies, he bequeathed to his "sones wyffe" his damask gown lined with velvet. From this we learn that James Melville was married at this date, though he says nothing of it. His wife was Christine Boswell, of what particular family is not certain. Within a few years after his succession to Hallhill he granted these lands, described as the half-lands of Easter Collessie, called Hallhill, and the mill, with the half-lands of Murefield, to her in liferent, reserving the tower, fortalice, and gardens of Hallhill.⁴

His position as a landed proprietor probably tempted Melville, after the death of his friend Grange, and during the comparatively settled government under the Regent Morton, to retire into private life, from which, as he tells us, he was very loath to emerge, when required to do so at a later date. His views on the subject of a retired life may be gathered from a letter written by him about the beginning of Morton's regency, in March 1572, to the well-known English diplomatist, Thomas Randolph, who had recently returned to Scotland along with Sir William Drury on a special mission. "As armytis" (hermits), writes Melville, "wer wont to retire them in solitary places, euen so am I drawn to a quyet

¹ Calderwood's *Historie*, vol. i. pp. 242, 244, 318.

² Henry Baluaves married a lady named Catharine Scheves, but they apparently had no surviving issue. The first grant to Melville was in March 1566-7, during Mr. Henry's lifetime, and included the lands of Hallhill and Murefield, in Collessie parish, with Pet-

cuute or Pathcondie, in the parish of Monimail. [Register of Privy Seal, Lib. xxxvi. f. 64.]

³ Confirmed Testament of Mr. Henry Baluaves, vol. iii. of this work, pp. 117-120.

⁴ Charter, dated at Edinburgh, 20th February 1575-6; confirmed 24th February same year.—*Registrum Magni Sigilli*, vol. iv. No. 2521.

maner of lyving, content wyth the portion which God has geuen me, wha has also mouit the hartis of my lord regents grace and the nobilite to be protectours of my quyetnes ; quhilk is such that I nayther am curious of newes nor desirous of negotiations." He is anxious to know of Randolph's welfare since the latter's marriage, and as to the welfare of others whom he names. Were it not that Randolph were lately married the writer would pity his want of rest in "cumber-some occupations." He refers to the object of Randolph's mission and continues :—"Whatsoeuer he be that parturbes my quyet lyf and estait with any busynes will get as mekle thankes as Alexander had of Diogenes, when he stod betwix hym and the sowne ; therefore I pray you fauour my quyetnes and find na falt that I presse not till com wher ye ar, for my affection toward yow of auld is sa ruted, that it most be yet a greter storm and a more vehement blast before it can be blawen out and away ; howbeit I haue yet matter and store of flyting keping for conuenient tym," etc.¹

How long Melville continued in his retirement does not appear, but he does not describe himself as taking any active part in public affairs during the years of Morton's regency and those which followed when King James the Sixth assumed the reins of government. The story of the ascendancy which was gained over the boy king by two favourites, Esme Stewart d'Aubigny, created Duke of Lennox, and James Stewart of Ochiltree, known as Earl of Arran, with the events which led to the death of Morton and afterwards to the "Raid of Ruthven," is familiar to all students of Scottish history and need not be detailed here, as they are lightly passed over by Melville himself. He was, however, not one of those who feared the influence about the king of the Duke of Lennox, of whom he speaks in terms of praise, attributing the faults of the administration to the evil counsel of the Earl of Arran and his wife. Melville's brother, Robert Melville of Murdochcairnie, a strong supporter of the Marian faction, had been a promoter of the duke's coming to Scotland,² and it is probable that on this account Melville was well affected towards Lennox.

Owing to his attachment to that nobleman Melville was drawn into the current of public events immediately connected with the Raid of Ruthven. We gather from a church historian that Melville was with the court at Perth on 6th July 1582, when the commissioners from the General Assembly of the Kirk of Scotland, including Andrew Melville and his nephew James, appeared before the king and convention of estates to present a list of grievances. Andrew Melville's boldness on the occasion was so conspicuous

¹ Original letter, date 14th March [1571-2], Melville, Bannatyne edition, printed in preface to *Memoirs of Sir James*

² Calderwood, vol. iii. p. 457.

that it overawed the duke and Arran, and the commissioners departed unharmed, though, shortly before, Andrew Melville and his nephew had both been advised to leave the town as they were obnoxious to the court. The younger Melville, who records the fact, states that it was Sir James Melville of Hallhill who thus warned them, and he was inclined to obey, but his uncle would not yield.¹

From Perth Melville came to Edinburgh, perhaps in the train of the Duke of Lennox, who passed on to Dalkeith. Melville, who apparently at this time was a privy councillor, was fulfilling certain duties of justiciary over the shire of Linlithgow, when one morning, before he was out of bed, a gentleman came to him offering to make him the instrument to save the king from a plot against him. Melville was incredulous, but expressed more anxiety about the Duke of Lennox. His visitor, however, who desired to conceal his name, declared that the king was in danger, and he named the chief conspirators, omitting, accidentally or otherwise, the Earl of Gowrie.² Melville hastily rode to Dalkeith to consult Lennox, who sent a messenger to the king, and also to Arran, then at Kinneil. This, however, apparently precipitated matters, as the conspirators, fearing discovery, seized the king at Ruthven, while Arran reached his Majesty just in time to be himself placed in ward.

This is nearly all that Melville relates of the bold stroke by which the Earl of Gowrie and others gained possession of the person of the king, and drove Lennox and Arran from the administration. Almost on the same page on which Melville records the success of the plot, he begins to tell by what means the king strove to free himself from the Ruthven raiders, whose authority he felt to be irksome. The "Raid of Ruthven" took place on 22d August 1582, and ten months later, on the 27th June following, the king effected his counter revolution, having laid his plans very secretly some time before. He left Edinburgh in May, much against the will of his advisers, under pretext of wishing to "tak a progresse," and went first to Linlithgow and thence to Falkland.³ While there he summoned Melville to his counsels, sending a secret messenger to reveal his designs, and desiring assistance and advice in gaining his liberty.

Melville was very unwilling to comply with this request, but finally consented. The king complained of his hard condition, to which Melville replied with his usual facility of giving advice, urging, however, that if the king freed himself,

¹ Diary of Mr. James Melville, nephew of Andrew Melville, Bannatyne ed. p. 94.

² Melville alleges that Gowrie had just newly been drawn into the plot, and was not

known as a conspirator; also that Ruthven House was made the scene of the conspiracy to embark Gowrie more deeply in the plot.

³ Calderwood, vol. iii. pp. 713, 714.

he should be lenient in his dealings with Gowrie and his friends. When the king's plans were completed he rode quietly to St. Andrews, having summoned a number of lords favourable to the faction of Lennox and Arran to meet him there. Some of these, including the Earl of March, met him at Dairsie, at which meeting, says Melville, "his Maieste thocht himself at liberte, with gret joy and exclamation, lyk a burd flowen out of a kaige . . . thinking himself then sur enough." Melville himself, however, was far from sharing this confidence; and if he is to be believed, it was greatly owing to his foresight and prudence that the enterprise was finally successful. The king was at first lodged in a place which was even less defensible than the palace of Falkland; and it was only by much persuasion that Melville prevailed on him to spend the night in the castle of St. Andrews. Had he not done so, he might again have been seized, and even as it was, on the next day the retainers of the Gowrie faction crowded into the fortress well armed; but such precautions were taken that their designs failed. The king's friends, who had been late in arriving, rallied round him so strongly that his safety was secured, and the Ruthven administration came to an end, the lords of that party being forbidden to approach the court. For his services Melville was thanked publicly by the king in presence of the new council, as "the only instrument, under God, of his libertie." This publicity, however, was by no means agreeable to Melville, who declared to the king that there was sufficient ill-will against him already.

The king and his new advisers were at first moderate in their dealings with the contrary party, Gowrie even remaining a member of the council. Arran held aloof from the court for a time, but soon began to intrigue for his return. His agent even applied to Melville, who was at this time in high favour, to influence the king on Arran's behalf. This Melville was reluctant to do, and in a private interview with the king, when his Majesty lamented the loss of former friends, and complained that the Earl of Arran was not allowed to come to him, Melville spoke freely of the earl as one of the worst instruments who could come about his sovereign. Arran, however, was admitted, and rapidly gained an ascendancy over the king and council. The harsh measures which he proposed against the Ruthven raiders were extremely displeasing to Melville, who opposed them strongly, and provoked a quarrel with Arran, which, however, delayed extremities somewhat. Melville was also at this time in the king's confidence about a letter from Queen Elizabeth protesting against the new government, and wrote a draft reply explaining the circumstances. Indeed, about this time he was offered but refused the post of secretary.

One result of the jealousy between Melville and Arran was that the former

was shut out as far as possible from access to the king. At this point his narrative is difficult to follow, as he places events in a wrong sequence, but his retirement from court was either very short or succeeded instead of preceding the arrival of Sir Francis Walsingham as English ambassador. Melville was summoned to attend upon him and welcome him in the king's name, and accompanied him to Perth, where James then was.¹ Walsingham was well pleased to meet Melville, for they had been comrades abroad, and he refused other escort that they might see more of each other. He had an audience with the king, after some delay, for which, he writes, he dealt "roundly" with Melville, and, according to the latter, was much impressed with the youthful monarch;² but he refused to have any dealings with Arran, who, in revenge, cheated the ambassador at his departure by substituting a ring with a stone of crystal for the diamond worth 700 crowns which the king had intended to give him. After Walsingham's departure Melville returned home, from which he was summoned by the king in the end of October 1583, to undertake a proposed embassy to England. But though he answered the call, he dissuaded the king from sending him on this mission.

Melville again retired to his own house, as appears from two letters written by him from Hallhill to his friends, Henry Killigrew and Sir Francis Walsingham, one of them being in favour of his brother William, then with the Prince of Orange.³ In the beginning of December a convention of estates met at Edinburgh, and declared the Raid of Ruthven to be treason. When the king told Melville, who had not been present on the first day, the latter expressed his great regret, as he feared the measures taken would drive those affected to desperation. He further expostulated with the king about Arran, whose doing this was, urged sending the favourite into retirement for a time, and spoke so freely, that at last James left him in an angry mood. That came to pass which Melville predicted; a coalition of the Earls of Mar, Angus, and others of the Gowrie faction did take place, and in the following April they seized Stirling Castle, but the sudden capture of the Earl of Gowrie thwarted their plans, and they escaped to England.

The capture of Gowrie was followed not long afterwards by his execution, on 2d May 1584. Affairs became somewhat more settled after this event, but as the death of Gowrie and the exile of the banished lords were distasteful to the

¹ Arran's return to court was on 5th August 1583. Walsingham arrived in Edinburgh on 1st September, and left for Perth on the 7th. [Calderwood, vol. iii. pp. 722, 724.]

² Their interview, however, was not satis-

factory from a political point of view. Cf. Walsingham's letters to Elizabeth. [Thorpe's Calendar of State Papers, Scotland, vol. i. pp. 455, 456.]

³ Letters, dated Hallhill, 7th November 1583. *Ibid.* p. 461.

English government, it was resolved to send Secretary Davison as an envoy to Scotland. Melville, as on former occasions, was despatched to the borders to meet and accompany him to court. He tells us nothing of their intercourse in his "Memoirs," but in a letter addressed to his brother Robert he gives a minute account of their conversation. It is evident that Melville was commissioned to sound the ambassador as to the intentions of the English queen. From his letter, which is too long for quotation, it would appear that he pressed Davison hard with home-thrusts directed against Elizabeth's policy. He hinted it was a policy which sowed discord under a pretence of amity, and meddled with the factious subjects of a friendly king. He exposed the practices of some of these "busy factioners," and concluded with a plain statement that Elizabeth must love the king's friends and hate his enemies, if she desired friendship, adding with reference to the succession to the crown of England, that the king was young and could "abide upon anything God has provided for him."¹

On reaching the Scottish court, Davison, in contrast to Walsingham's behaviour, but no doubt acting under instructions, devoted himself to Arran, and endeavoured to gain the favourite to the English interest. This conduct disgusted Melville, who commented upon it to the king, virtually charging Davison with double-dealing. While Davison was in Scotland Arran made an alleged discovery of a conspiracy to kill himself and others about the king.² It is apparently in reference to this that Melville states that he was advised to absent himself from court for a few days to escape the danger. He, however, warned the king, urging him to send Arran away, but in vain. Arran himself then, to Melville's surprise, sought an interview, and expressed a desire to be friendly, but the jealousies between them were too great, and the result was far from amicable. Parliament met on 22d August, within a few weeks after the alleged discovery, and pronounced sentence of forfeiture against the Earls of Angus, Mar, and other banished lords, and all who were prominent in the Raid of Ruthven. The king was much pleased with this, but when in a private interview he asked Melville's opinion, the latter regretted what had been done. He bade the king thank God, and not good management, for the comparative quiet which prevailed; asserted that the banished lords would not rest, while many who now assisted Arran did so from fear only, and not for love, and that his doings really excited envy and hatred.

¹ Letter, dated June 6, 1584. Thorpe's Calendar of State Papers, Scotland, vol. i. p. 475; fully quoted in Tytler's History of Scotland, 3d ed. vol. vi. pp. 390-392.

² Examination of George Drummond of Blair, 31st July and 4th August 1584. Calderwood, vol. iv. pp. 169, 170.

It may seem strange that Melville was permitted to speak so freely regarding Arran, but it is evident that he was much respected by the king, to whose mother he had been a faithful servant. His counsels and warnings as to Arran were prophetic of the result. There can be no doubt the earl was hated; the difficulty was to find an agent sufficiently bold and unscrupulous to bring about his ruin, but within a year from Melville's speech to the king Arran was in disgrace, as the result of the combined influence of the English ambassador and the intrigues of the Master of Gray. The means by which this was brought about have no special connection with the subject of this memoir, but Edward Wotton, the English envoy engaged in the affair was like so many other diplomats, an old acquaintance of Melville's. The story which the latter relates of Wotton is, however, intended to tell rather in favour of his cunning than his honesty, being the narrative of a plan proposed by Wotton when a young man to the Constable of France for the surprise and taking of the town of Calais. Remembering this fact, Melville warned the king against Wotton's skill in beguilement, but without effect.

The ambassador came, and what with presents of horses, and his apparent passion for sporting and hunting, pastimes in which the king delighted, he fairly won the monarch's heart. All this of course was done with a purpose to gain James to conclude a settled union with England, but it had a side issue in which Melville played a busy part. While Wotton was in Scotland, three ambassadors arrived from Denmark, "a gret and magnifik ambassade . . . a sex score of persones, in twa braue schippis." Melville, as usual, was deputed to wait upon them, but so occupied was the king with the delights presented to him by the English envoy that the Danes were much neglected, or as it is expressed, though the king wished to treat them honourably, they were "nevertheles mishandled, ruffeled, triffelit, drifted and delayed . . . to ther gret charges and miscontentement." The pre-occupation of the king left the Danes at the mercy of Arran and other courtiers who were hostile to their mission, which was nominally to buy back the islands of Orkney and Shetland, but really to negotiate a marriage between King James and one of the princesses of Denmark. Another cause of the disrespect shown to the envoys was the duplicity of Wotton, who, knowing that his mistress was opposed to such a marriage, filled the ear of James with evil stories of the Danish ambassadors, and while he visited them in an outwardly friendly manner, misrepresented the king's conduct and speech to them.

As a result the ambassadors would probably have returned to their own king in high dudgeon at the treatment they received had Melville not

interposed, and by his good offices secured an interview between King James and the Danes, which ended to the satisfaction of both parties. Even then, matters nearly miscarried. The king ordered a banquet to be made for the distinguished guests, but his controller and other officers were quietly forbidden to prepare it. Melville's energy averted the insult thus intended, by persuading the Earl of March to prepare a great banquet in the king's name. This disconcerted the English ambassador, who, however, prevented the king being present; but on Melville's explanation, James rose from his own dinner, went to the banquet and drank the healths of the King and Queen of Denmark and their envoys. The latter would then have been honourably dismissed, but Melville represented that there was no present prepared for them, upon which the king "was marvellous sorry, and sayed they wald schame him, that had the handling of his affaires." The difficulty was got over in a characteristic manner. The Earl of Arran was just then ordered to leave the court, but ere his departure the king sent to desire him to lend him a great chain, weighing 750 crowns, to be given to the Danes, as to which Melville remarks, that if Arran refused the chain he lost the king, and in delivering it he lost the chain. The trinket thus obtained was divided into three parts, and the three Danish ambassadors were despatched to their own land rejoicing, and making many professions of amity between the two nations.

Events in Scotland at this date, August 1585, had reached a crisis. The wiles of the English ambassador had triumphed so far that in a convention of estates at St. Andrews a league, offensive and defensive, had been completed with England, while Arran had been committed to ward on the pretext of concern in the death of Lord Russell, who had been slain in a fray on the borders.¹ The Master of Gray, who had been in England, hurried north and used all his efforts to effect the ruin of Arran and procure the release of the banished lords. After some diplomatic delays, Angus, Mar, and their companions in exile were allowed to leave England, and reached Berwick about the 17th October 1585, meeting there the English ambassador, who had become alarmed for his own safety. From Berwick they advanced into Scotland, and began what might be called their triumphal march towards Stirling Castle, where King James then was.

It was at this juncture, as the banished lords were entering Scotland, that

¹ Arran was warded for three or four days in the castle of St. Andrews, and Melville states that he was in fear of his life, which made him call for Melville and others and beg them to procure his freedom. He also

alleged that he had made a promise to Queen Elizabeth to prevent James marrying for three years, that he might wed a lady of the English blood-royal.

Melville was summoned to the king. On his arrival he informed the king of their reported arrival on the borders. An enterprise was projected to march against the banished lords, but this plan was defeated by the intrigues of those around the king. Melville himself was despatched on a feigned errand to Dunkeld, whither the Master of Gray had gone. According to Melville, the only benefit gained by his visit there was the delaying the Earl of Athole, who was ready to march to Stirling with a considerable force. Whether this array was to support the king or the banished lords does not appear, but meanwhile the latter had reached Stirling and assumed the government, Arran having escaped. When Melville returned to court he was well received by the king and also by the new council, and his opinion, which was always on the side of moderation, was sought after and followed as far as possible.

As the party of the banished lords was favourable to the English alliance, negotiations to that end were proceeded with, and on 5th July 1586 a league between the two nations was duly confirmed. In regard to this, Melville states that the king wished to send him as an envoy to take the Queen of England's oath of confirmation, but that he was unwilling to go, as the league was an indirect breach of the bond with France. The king at first would take no excuse, but Randolph, learning the king's purpose, used all his influence to prevent Melville's being sent. Randolph spoke much good of Melville, having known him in France and Italy, but they "schot at sindre markis," and the English envoy now alleged that Melville would not be acceptable to Elizabeth at this time, because his brothers, Robert and Andrew, were both partisans of Queen Mary. The king remarked that he was never "esteamed a factioner," and refused to yield; but Melville persuaded him to do so. Melville also, at a later date, declined to undertake a proposed embassy to Spain. When King James made up his mind, in the year 1588, to marry Anna, second daughter of Frederick the Second, King of Denmark, then lately deceased, he was very anxious that Melville should be one of two ambassadors to go to Denmark and conclude the arrangements. Melville, however, declined the honour, notwithstanding the king's urgent persuasions, and after much tedious and unnecessary delay, George Keith, Earl Marischal, was sent.¹ Again, at a later

¹ On 3d April 1589, about two months before the despatch of the Earl Marischal, Melville was appointed one of a commission to inquire into and settle a controversy which had arisen between the University of St. Andrews and the citizens, in which blood had been shed. [Register of Privy Council, vol.

iv. p. 371]. The circumstances are not stated in the Register, but appear to be those narrated by Mr. James Melville in his diary [Bannatyne Club ed., pp. 182-184], when a partisan of Bishop Adamson wounded a professor, William Walwood, and a tumult took place in consequence.

period, when preparations were being made for the reception of the queen and there were daily expectations of her arrival, Melville alleges that the king sent for him and his brother, Sir Robert, lamenting his "mishandled estate" and begging them to undertake his affairs. This they declined to do, beyond using their best efforts to prepare for receiving the queen honourably. The confidence thus shown by the king to Melville and his brother was displeasing to Chancellor Maitland, and nearly led to unpleasant consequences after the king's return from Norway. Indeed, according to Melville, he and his brother were much annoyed by court intrigues and plots against themselves and their credit with the king.

Melville was appointed one of the queen's special attendants as a privy councillor and gentleman of her chamber, and on the occasion of her coronation he was raised to the honour of knighthood.¹ He tells us that when he was presented to her Majesty, the king praised him very much, commenting on his travels, his great experience, and his services to the late Queen of Scots, with a desire to make Queen Anna take a liking to her new servitor. Her Majesty, however, received the praise and also Melville himself somewhat coldly, and some days afterwards, with a curious appreciation of the situation, asked if he was ordained to be her keeper. To this Sir James replied that she was well descended and well brought up, and needed no keeper, but to be honourably served according to her rank. She then explained that some had striven to inspire her with disfavour against him. His answer was characteristic, that he was placed in her service to "instruct sic indiscret persones, and also to geue them gud exemple how to behaue themselues dewtifully and reuerently unto hir Maiestie and to hald them a bak; and that way to kep hir from ther raschnes and importunite." After this, Sir James devoted himself more particularly to attendance on the queen, with which, he observes, she appeared to be satisfied.

Sir James Melville was in the palace of Holyrood on the night of the 27th December 1591, when Francis Stewart, Earl of Bothwell, attempted to obtain possession of the king's person. The earl was incited to this enterprise by some who were jealous of Chancellor Thirlestane, and they secured him and his followers a ready entrance to the palace through a stable, belonging, it is said, to the Duke of Lennox. Douglas of Spott, however, one of Bothwell's men, alarmed the household by an altercation with the porters about some of his servants who were in ward there, and the king had time to escape to a place of security. Bothwell attacked the queen's rooms, where he expected to find the king, and fore-hammers were used against the door. The chancellor's quarters

¹ On 17th May 1590. Calderwood, vol. v. p. 95.

were also beset, but he defended himself manfully, and the assailants were kept at bay, until succour arrived from the Canongate, Andrew Melville, brother of Sir James, leading the rescuers in through the chapel, whereupon Bothwell and his accomplices fled.

When Bothwell first entered, Melville was sitting with the Duke of Lennox, having just finished supper. The duke at once rose, drew his sword and rushed out, but he had no assistance, and as the place was full of "unfriends" the two were compelled to fortify the doors and stairs with boards, forms and stools, and "be spectatoris of that strange hurly-burly for the spaice of ane hour; behaliding with torch light fourth of the dukis gallerie, their reilling, their rombling with halbertis, the clakking of their colveringis and pistolles, the duntting of melis [striking of mallets] and forehammers, and their crying for justice." During the *melée* the chancellor passed by a private stair to the duke's department and desired admission. The duke, acting by Melville's advice, expressed a wish that the chancellor's men should dispute the lower door as long as they could, though he offered to admit himself. But the other was offended at this reply and returned to his own rooms. Sir James Melville adds that he and his brother Sir Robert had, two days before, received warning of some such enterprise, and had done their best to prevent the king exposing himself, but in vain.

It is clear from what Melville says that he himself was one of those in opposition to Lord Thirlestane, whom he charges directly or indirectly with all or most of the abuses in the government. For some time after the attempt by Bothwell the court appears to have been in much confusion. The queen sided with Bothwell's faction, and the chancellor was forced to retire for a time. Melville himself was absent for a season, and on his return to court, found his brother out of favour as well as the chancellor. Sir James, however, succeeded in rehabilitating him in the good graces of the king. Sir James and his brother were both members of the privy council, which was reconstituted in June of this year, 1592, and were no doubt consenting parties to the act of parliament which established the kirk, and has been called the *Magna Charta* of Scottish Presbyterianism.¹

Calderwood and others allege that this act, as it was passed by the influence of the chancellor, was intended to win over the ministers to his party in opposition to Bothwell, who was still a source of much disquiet. A few weeks later he made another attempt upon the king's person. On this occasion his Majesty was at Falkland, and as there were reports that an attempt was to be made, he was advised to take measures accordingly, but refused to do

¹ Acts of the Parliaments of Scotland, vol. iii. pp. 541, 542, 562, 563.

so. Sir James Melville asserts that had it not been for the vigilance of his brother, Sir Robert, and the energetic behaviour of one of his servants, the king and his household would have been wholly taken by surprise. As it was, Bothwell and his men besieged the place for some hours on the morning of the 28th June 1592, and only fled because they were afraid the country people would rise against them. Melville did his best to rouse the country for the relief of the king, but he and those he assembled received intimation that the earl and his followers had made their escape.

The "Memoirs," as preserved, come to an abrupt close not long after this, the chief remaining incidents narrated being Bothwell's invasion of Holyrood in July 1593, and the baptism of Prince Henry in 1594. We learn, however, from other sources that Melville continued about the court, more or less in attendance on the privy council, and occasionally engaged on special commissions. Thus in March 1593, he and some other gentlemen of Fife were appointed arbiters in a dispute between the magistrates of St. Andrews and a number of the townsmen. The magistrates, in consequence of the poverty and distressed state of the burgh, which had been visited by the plague, finding themselves unable to preserve the necessary public works of the place from decay, had resolved to lease out certain of the burgh lands in acre lots. To this many of the citizens were opposed, without reason, as the magistrates averred, and the matter was laid before the privy council. The arbiters went to St. Andrews, and spent three days there, but separated without coming to a decision, and the subject was again laid before the privy council. The complaint this time was directed against the magistrates and others, and the same arbiters were reappointed to convene on the 23d of April 1593, but the result is not recorded.¹ On the following day the General Assembly met at Dundee, whither Sir James Melville went as a commissioner on behalf of the king to arrange certain articles. These chiefly related to the recent act of parliament, and the appointment of chaplains to the royal household, and were agreed to by the assembly.²

Bothwell's next attempt to gain access to the king in Holyrood need not be detailed here, except as regards Melville's share in the matter. The earl obtained entrance very early on the morning of the 24th July 1593, and finding the king in such a condition that he could neither fight nor flee, protested that he only came to seek pardon of his Majesty, and made a formal submission. Meanwhile, though the palace gates were beset by Bothwell's retainers, an alarm had been given, and the provost of Edinburgh and many of the townsmen in armour had

¹ Register of the Privy Council, vol. v. pp. 56, 61.

² Calderwood's *Historie*, vol. v. pp. 242-245.

rushed down to the king's rescue. Among others came Sir James Melville, who called up to the king's window to ask of his welfare. The king came to the window and said all would be well enough ; that he had agreed with Bothwell on certain conditions, which were to be put in writing. He further bade the armed citizens wait for a short time, but they soon returned home. Melville was, at a later date, called in to advise the king how to act in the new state of affairs. With some difficulty, an agreement was come to, that Bothwell should be restored to his estates, which had been forfeited, and that both he and the opposite faction should for the time leave the court. Melville also refers to the later proceedings affecting the earl, but the Memoirs fail at this point.

The baptism of Prince Henry was celebrated with some magnificence at Stirling Castle on 30th August 1594. Previous to the ceremony Sir James was much employed in providing for the reception and proper entertainment of the various foreign ambassadors, especially those of Denmark and the Netherlands. He acted as interpreter when the ambassadors were presented to the queen, and also, at her desire, received from them the costly presents which they brought for the royal infant. Among other gifts he mentions great cups of massive gold, brought by the ambassadors of the Netherlands, two of which in particular were so heavy that he could scarcely lift them. He adds, however, that "they wer schone melted and spendit, I mean sa many as wer of gold, quhilkis suld haue bene keped in store to the posterite," and he implies that this was done to feed the rapacity of some of the courtiers.

In 1595 he again acted as a messenger from the king to the General Assembly, which visited the unfortunate Bothwell with excommunication.¹ In October of the same year Chancellor Thirlestane died. His office was not filled up, but in January of the following year the king appointed eight councillors, with very absolute powers, to manage his affairs, who, from their number, were known as the Octavians. Although this appointment is beyond the date at which Sir James Melville actually closes his memoirs, he has, under the date of 1589, given the substance of various advices tendered by him to the king. The advice as written must have been given at different periods, and in one paragraph Sir James refers to the Octavians. The king, he says, told him that in appointing them he had followed his advice, but Melville appears to have objected to their administration, and records their demission of office without regret.

In December 1597 Melville's pensions of £100 and 500 merks, formerly granted by Queen Mary, were ratified of new by the king in parliament, with an

¹ Calderwood, vol. v. p. 365.

augmentation of £300 for his fee. In July 1599 he was one of a commission for providing men for military service, appointed probably in consequence of a fear entertained by the king that he might have to fight for his rights to the crown of England.¹ In July 1600 he was sworn in as a member of the privy council, which had been reconstituted in 1598, his previous attendances having apparently been by special favour or desire of the king.² About the same period he, with other tenants and feuars of crown lands in Fifeshire, was summoned by the king's treasurer and advocate to pay rent on a higher rate of assessment than their charters showed; but their claims were settled by an act of parliament in November of that year, which declared the rental to be correctly fixed. The lands feued by Sir James were Hallhill and Murefield.³

It is to be regretted that Sir James did not continue his memoirs down to the year 1600, as he might have left on record his opinion as to the strange eventful history of the Gowrie conspiracy. Though evidently not in personal attendance on the king at the time, Sir James was, probably as a privy councillor, present at the examination of some of the witnesses. Sir James was present at a meeting of council on 21st August 1600, when orders were given for publishing the day of thanksgiving for the king's escape, but after that date he disappears from the diets of council, and apparently from public record generally. There is, however, evidence from a private source that he remained in the service of the royal household until the departure of King James to take possession of the English throne. The king earnestly desired him to accompany the court to London, holding out prospects of advancement there, but Melville declined the promised honours, and, being now well advanced in years, desired permission to spend the rest of his days in retirement. At a later period, however, he found himself in duty bound to wait on King James in England, where he was graciously received. He attended there some weeks "humbly giving," we are told, "his Majesty his best advice," but no allurements of the court could induce him to forego his intentions of retiring from public life. He therefore returned home, and appears to have employed his remaining years in composing his memoirs for the benefit of his son, to whom the preface is particularly addressed.⁴ It has been supposed that he continued the narrative of his life to the time of the king's departure from Scotland, but this is uncertain, and the "Memoirs," as

¹ Acts of the Parliaments of Scotland, vol. iv. pp. 156, 188.

² Register of Privy Council, vol. vi. p. 130, 14th July 1600.

³ Acts of the Parliaments of Scotland, vol. iv. p. 251.

⁴ Preface, Bannatyne Club edition, p. xxi. "Epistle to Reader," appended to first edition in 1683, by George Scott of Pitlochrie, the author's grandson. Cf. also Memoirs, pp. 1-7.

at present known, break off abruptly at a point not later than the year 1597. He survived his visit to England for some years, dying at the age of eighty-two on 13th November 1617, and was buried in the churchyard of Collessie. His wife, Christina Boswell, was alive in 1589, but the date of her death has not been ascertained.

Sir James Melville had issue, so far as is known, two sons and two daughters. One of the daughters was Elizabeth, who became the wife of John Colville, for some years Commendator of Culross. She is said to have been highly accomplished, but still more eminent for her piety and for her stout adherence to the persecuted church of her country. It was she who wrote to Rigg of Aithernie when he was confined in Blackness Castle in 1624 that "the darkness of Blackness was not the blackness of darkness."¹ She was the ancestress of the present Lord Colville of Culross.

The other daughter, Margaret, became the second wife of the well-known statesman and patron of literature, Sir John Scott of Scotstarvit. By him she had an only son, George Scott, designated of Pitlochrie. It was he who first issued, in 1683, a printed edition of his grandfather's "Memoirs." He was, in 1677, confined in the Bass for adherence to presbyterianism, but was liberated in 1684, and in 1685 sailed for New Jersey in America, with his wife, a daughter of Rigg of Aithernie, his son-in-law, named Johnston, and a number of covenanters, whom the privy council had ordered to be transported to the plantations. Many died on the passage, including Scott and his wife.²

The second son of Sir James was Mr. Robert Melville, who was named in the will of the second Lord Melville as a legatee of 1000 merks. He was minister of the parish of Simprin, in Berwickshire, from 1641 to 1652, about which date he died, leaving a widow, Catherine Melville, a son, John, and a daughter, Margaret.³ Sir James Melville's elder son was James Melville, who was retoured heir to him in the lands of Prinlaws on 14th April 1618.⁴ He is first named as receiving charters from his father of the lands of Hallhill, Murefield, and Pathcondie in 1583. He also, in 1589, obtained a crown charter of resignation to his father and mother in liferent and himself in fee.⁵ In 1636 he was retoured heir of line to his cousin Robert, second Lord Melville, in the lands of Nether-grange, or mains of Wester Kinghorn, the manor called the Castle of Burntisland, the mills

¹ Select Biographies. Wodrow Society, vol. i. p. 342.

³ Fasti Ecclesiæ Scoticanæ, part ii. pp. 448, 449.

² Wodrow's History, folio edition, vol. ii. pp. 9, 481, 565.

⁴ Fife Retours, No. 275.

⁵ Old Inventories of Hallhill, etc., in Melville Charter-chest.

called the sea-mills of Burntisland, with the east quarter of the lands of Wester Kinghorn, all in the regality of Dunfermline.¹ Previous to this he sold his lands of Pathcondie and Murefield to his cousin, but retained Hallhill.² In 1638 he received a crown confirmation of the lands of Burntisland and others, which was ratified by parliament in 1641. There was opposition made to his charter by the bailies of the burgh of Burntisland, but Melville declared that his grant in no way included the burgh, its port or privileges.³ The date of his death has not been ascertained. The name of his wife was Catherine Learmonth, and they had issue, so far as known, two sons, the first of whom was Sir James Melville of Hallhill and Burntisland, who succeeded his father, while the second son was named Robert, but of him nothing further has been ascertained.

Sir James Melville, the third of Hallhill, was also known as of Burntisland. He married, about 1645, Margaret Farquhar. He is referred to several times as a member of various committees of parliament between 1644 and 1661.⁴ He and his father appear to have sustained considerable losses during that period, and, to meet his liabilities, Sir James sold the barony of Burntisland to General James Wemyss, while after his death Hallhill was adjudged to George, Lord Melville, in payment of debt. He died in the year 1664. Two sons at least survived him. The eldest of these was James Melville, from whom the estate of Hallhill was adjudged in 1675.⁵ He probably died without issue. The other son was Gilbert Melville, who entered the church and became, in 1688, minister of Arngask, from which, in 1694, he was translated to Glendevon. He demitted his office in 1709.⁶ In 1714 he was retoured heir-special to his father, Sir James Melville of Hallhill, and to his uncle, Robert, brother of Sir James, in ten acres of the east quarter of Wester Kinghorn.⁷ Nothing further has been ascertained regarding either of these descendants of Sir James Melville.

¹ 22d July 1636, Fife Retours, No. 539.

⁵ Writ in Melville Charter-chest.

² Old Inventory in Melville Charter-chest.

⁶ *Fasti Ecclesie Scoticanæ*, part iv. pp. 626, 767.

³ Acts of the Parliaments of Scotland, vol. v. pp. 435, 550.

⁴ *Ibid.* vol. vi., parts I. and II., *passim*; vol. vii. p. 206.

⁷ Index to Service of Heirs, 1710-1719, p. 18.

James Melville

SIR ANDREW MELVILLE OF GARVOCK, MASTER OF THE HOUSEHOLD
TO QUEEN MARY AND KING JAMES THE SIXTH, 1567-1617.

JANE KENNEDY, HIS FIRST WIFE.

ELIZABETH HAMILTON, HIS SECOND WIFE.

Andrew Melville, the seventh son of Sir John Melville of Raith, entered the personal service of Queen Mary, and in February 1567 she granted to him for his good service, as her "lovit servitour," a pension for life of £200 Scots yearly.¹ This gift was made only three days after the murder of Darnley, and in the troublous times which followed Melville adhered closely to his royal mistress. His name is not attached to the bond signed by the Hamiltons and others for defence of the queen after her escape from Lochleven Castle, but he and his brother, Robert, were in the queen's forces at the battle of Langside. They were taken prisoners, but appear to have been favoured, as three of their brothers (probably John, James, and Walter) were in the victorious army.²

After the defeat at Langside and the queen's flight to England, and when, in 1570, his nephew, Sir William Kirkcaldy of Grange, who was captain of Edinburgh Castle, declared for the queen, Melville joined him and entered the fortress. For this and other causes he was, in the following year, forfeited by the parliament held at Stirling by the Regent Lennox.³ He was probably less a soldier than a courtier, and in November of the same year, 1571, he acted as an envoy between Grange and Secretary Maitland and Lord Hunsdon, who had been sent by Queen Elizabeth to Berwick to gain over the former, if possible, to the king's party.⁴ In his instructions the two leaders explained the difficulties of their position, and proposed a government by nobles from both factions in Scotland; but this not being acceded to, the negotiations failed, and the country continued to suffer from what has been described as one of the bitterest civil wars on record. Andrew Melville remained in Edinburgh Castle till its surrender, being one of the small garrison who resolved to defend it to the last when besieged by an English force in May 1573.⁵

He then went to England, and became master of the household to the exiled queen, being referred to in January 1585 as negotiating about some plate, doubt-

¹ Registrum Secreti Sigilli, lib. xxxvi. fol. iii.

² Report of the battle of Langside in the State Paper Office. Tytler's History, vol. vi. pp. 470, 471.

³ Memoirs of Sir James Melville, p. 226; Calderwood's Historie, vol. iii. p. 137.

⁴ Calendar of State Papers, Scotland, vol. i. p. 333.

⁵ Memoirs of Sir James Melville, p. 254.

less for her Majesty, and in October of the same year as certifying a receipt for 2000 crowns, a marriage gift from the Queen of Scots to Gilbert Curll and Barbara Moubray, two of her attendants.¹ He continued in the household of Queen Mary until her death, attended her during her trial on 14th October 1586, and took an affecting farewell of her on the morning of her execution. He had been excluded from the queen's presence for some weeks, and when they met, he, with tears, deplored her sad fate. She embraced him, praising his fidelity, which she regretted it was not now in her power to recompense. She would, she said, leave that to others, and, as a last service, bade him carry to Scotland a faithful report of her carriage in her misfortunes. When, with renewed manifestations of grief, he replied that such would be the most doleful tidings he had ever had to carry, that his queen and mistress was dead, she said to him, "You should rather rejoice that the end of Mary Stuart's troubles is at hand. Thou knowest, Melville, that this world is only vanity, full of troubles and miseries. Tell them that I died a Catholic, firm in my religion, a Scotchwoman, and true to France. May God pardon those who have sought my death. He who is the judge of secret thoughts, and of human actions, knows my motives, and that my desire has always been that Scotland and England should be united. Remember me to my son, and tell him that I have done nothing to prejudice his throne or sovereign power, even when forced thereto by my enemies." With difficulty she then prevailed on her guards to permit Melville to attend her at the scaffold, and he bore her train to the foot of its steps.²

After the death of the queen, Melville made preparations to return to Scotland, but was detained in England for several months. In the afternoon of the day of the queen's execution, Melville and her other servants met to hear her will read, but although there were bequests to each, the amount bequeathed to him has not been ascertained. The following morning the late queen's household assembled to offer prayers for her repose, but the keeper of the castle forbade them to offer mass in any form, an order to which Melville acceded, being a Protestant, but the other members of the household were aggrieved. Melville attended the removal of Queen Mary's remains to Peterborough Cathedral in August 1587, and took part in the funeral pageant. After this he and his fellow-servants were detained in London for fifteen days, subjected to much anxiety and expense, and were objects of public curiosity. At last passports were given to them, and they apparently went to France before passing to Scotland.³

¹ Calendar of State Papers, Scotland, vol. ii. pp. 962, 978.

² Tytler's History, vol. vii. pp. 74, 116.

³ *Vita Mariæ Reginae Scotorum*, by Samuel Jebb, vol. ii. pp. 634-636, 646, 647, 659, 660; Teulet's *Papiers*, etc., tome ii. p. 876.

At what date Melville reached the northern kingdom is not clear; but he had probably entered the service of King James the Sixth as one of the masters of the household before 10th September 1588, when the king bestowed on him a pension for life of four hundred merks yearly from the temporalities of the abbacy of Crossraguel in Ayrshire. To this were added eight chalders of oats yearly from the bishopric of St. Andrews, and the whole gift was ratified by parliament and exempted from the king's revocation, and also from the annexation of church lands.¹ In 1590, on the occasion of the coronation of Queen Anna of Denmark, Melville received £200 to provide suitable clothing.² In the following year, during one of Bothwell's attacks on the palace of Holyrood, Melville distinguished himself by bringing a number of armed citizens to the rescue of their Majesties, and was nearly shot in the confusion.³ In 1593 he received on behalf of the king the sum of 2000 merks, a fine exacted from Patrick, Lord Gray, for his concern in the abduction of Katherine Carnegie, a daughter of John Carnegie of that ilk.⁴ In connection with the baptism of the king's eldest son, Prince Henry, at Stirling Castle, in the following year, Melville was charged with the receiving and expenditure of the sums of money and other contributions of the king's loyal subjects towards the festivities.⁵

In 1598, Andrew Melville became involved in some disputes with neighbouring proprietors in Fife, and both he and they were bound under heavy penalties not to molest each other.⁶ After this he received the honour of knighthood, which was probably conferred by King James on his accession to the throne of England, and just before his departure from Scotland.⁷ Sir Andrew Melville did not accompany his royal master, but appears to have retired to his own estate, to which, in the year 1604, he added considerably. He already possessed the small property of Garvock-wood, in the parish of Dunfermline, held of his brother, Sir Robert Melville of Murdochcairn, on which he built a mansion-house, and in the year named he purchased from various proprietors separate portions of an adjoining estate, South Fod. His lands of Garvock and South Fod were secured to him and his second wife by a charter from Queen Anna in 1608, they being included in her jointure lands of the regality of

¹ 5th June 1592, Acts of the Parliaments of Scotland, vol. iii. p. 602; vol. iv. pp. 94, 156.

² Marriage of James the Sixth. Bannatyne Club, App. p. 17.

³ Memoirs of Sir James Melville, p. 398.

⁴ Register of the Privy Council, vol. v. pp. 44, 54; Calderwood's History, vol. v. p. 252.

⁵ Register of Privy Council, vol. v. p. 152.

⁶ *Ibid.* pp. 695-697.

⁷ According to the treasurer's accounts, Andrew Melville was still unknighthed on 1st April 1603, when he was receiving £125 a year for livery. In 1604, however, he is referred to in charters as Sir Andrew Melville.

Dunfermline.¹ In the same year he received from King James, through the privy council, a mandate requiring him, with others who had formerly been of the royal household, to attend upon the Duke of Wurtemberg, who then paid a visit to Scotland. The duke was to be lodged in the royal palace at the king's charges, and waited upon in all things by the former officers of the royal household. Calderwood states that the duke, "a young man of comelie behaviour," was convoyed from place to place by noblemen, by the king's direction, and well entertained.²

Sir Andrew Melville survived his eldest brother, John Melville of Raith, and is named in the inventory of the latter's effects, in 1606, as a creditor to the extent of £30.³ In 1611 King James bestowed on him a considerable pension. In his letter to the Scottish commissioners of rents, authorising the payment, the king writes, "Whereas Sir Androe Melvill of Garvocke, knight, having for a long whyle, abone fortie yeares at least, served most dewtifully our mother of most worthie memorie, and sensyne our selfe also, for many yeares before our coming from that kingdome, and willing that now in his old age he should have some testimonie of our favour as a remembrance and rewarde for his services past, therefore we have graunted vnto him during lyfe a pension of twelve hundreth pounds Scotts money . . . as lykewise we have thought meitt to will yow to make payement hereafter to the said Sir Androe the some of fyve hundreth marks Scotts money as for his fie of being one of our maister houshaldis there, which we will to be continewed and payed from henceforth during his lyfetye, according as Sir Michaell Elphinston, knight, another of our said maister houshaldis, haith in tyme past and sall hereafter in lyke sorte have the same."⁴ This pension, however, was paid very irregularly, as appears from a warrant issued in 1626 in favour of Sir Andrew Melville's widow.⁵

In June 1614 he was cautioner for the executor of his brother, William Melville, Lord Tongland, and also for the executor of that brother's only son, while in 1615

¹ He purchased one-eighth of South Fod from Sir Robert Halket of Pitfirrane, on 11th February 1604; one-fourth from George Durie of Craig-luscar, on 9th February 1604; and three-eighths from William Walwood, portioner of Touch, on 18th January 1604, and 24th August 1606, in all which he was duly infeft. Queen Anna's charter is dated 14th May 1608, and sasine followed on 13th February 1613. [Laing Charters, in University Library, Edinburgh.]

² Register of Privy Council, vol. viii. pp. 528, 529; Calderwood's *Historie*, vol. vi. p. 783. The young duke was in mourning for his father, whom he succeeded in this year.

³ Vol. iii. of this work, p. 150.

⁴ Original Warrant in volume of Royal Letters, 1601-1616, in H.M. General Register House, Edinburgh.

⁵ Register of Royal Letters, vol. i. p. 96.

he was retoured heir to his brother's daughter, Agnes Melville, in a small annual rent from the lands of Prinlaws.¹ He was one of the masters of the household named in connection with King James's visit to Scotland in 1617, but apparently he did not long survive that date, though the exact year of his death has not been ascertained. He was twice married. His first wife was Jane Kennedy, who, like himself, had been in the household of Queen Mary, and attended her in her last moments. Jane Kennedy went to France and returned to Scotland in the early part of 1588. Whether Sir Andrew Melville and she were then married is not certain, but their union was not of long duration. In October 1589, when King James the Sixth expected his Queen from Norway, he summoned his mother's former maid of honour to attend upon Queen Anna. Jane Kennedy promptly answered the royal message, and was not deterred by stormy weather from attempting to cross between Burntisland and Leith, but during the passage a ship driven by the storm collided with the ferry boat, which was swamped, and the lady and the other passengers, except two, were drowned.²

Sir Andrew Melville married, secondly, Elizabeth Hamilton, of what family has not been ascertained. She survived her husband, and was still alive in 1626. By her he had at least two sons.³

Sir George Melville, under master of the household to King Charles the Second in 1650 and 1651. He married and had issue, as appears from a letter from James Melville of Hallhill to John, Lord Melville, in 1651,⁴ but no further details have been ascertained.

Henry, named as a legatee of 2000 merks in the will of his cousin, Robert, second Lord Melville of Monimail, who died in 1635.⁵

¹ Commissariat of Edinburgh, Testaments, vol. 48, 17th June 1614; Retours for Fife-shire, No. 236, 1st February 1615.

² Memoirs of Sir James Melville, Bannatyne Club, pp. 369, 370. This storm was one of those supposed to be raised by witches to prevent the queen's sailing to Scotland. [Cf. also Piteairn's Criminal Trials, vol. i. pp. 218, 237, etc.] It would appear that the boat carried jewels and other gifts intended for presentation to her Majesty. Sir James Melville distinctly says the weather was stormy, but a writer in 1636, commenting on the

abuses of the ferries, notes among other instances "the loss of Mrs. Jane Kennedie and £10,000 in goods, jewels, etc., with thirty persons, run down between Leith and Burntisland, which happened through drunkenness and without storm." [Letter in regard to the sea ferries, c. 1636. Historical Commission Report, No. ix., Part II., p. 252.]

³ In the royal warrant of pension in 1626, Elizabeth Hamilton is described as a widow with *ten* children, but this may be a mistake, or the others may have died young.

⁴ Vol. ii. of this work, pp. 23, 232-234.

⁵ Testament in Melville Charter-chest.

WILLIAM MELVILLE, COMMENDATOR OF TONGLAND AND LORD TONGLAND,
1584-1613.

ANNA LINDSAY, HIS WIFE.

William Melville, the eighth son of Sir John Melville of Raith and Helen Napier, is usually described as their fourth son, but as he does not appear publicly till about 1584, it is probable he was younger, and may indeed have been born after the death of his oldest brother William, but this is not certain. In 1575, a witness to a charter by James Johnstone of Elphinstone is "William Melville" who was probably the subject of this notice as Johnstone was his brother-in-law.¹ He appears to have been well educated, perhaps on the Continent, and is described by his brother, Sir James, as a good scholar, speaking perfectly Latin, High Dutch or German, Flemish, and French.² From a letter by Sir James, in November 1583, to Mr. Henry Killigrew, we learn that his brother was then in the service of the Prince of Orange, but was not well treated.³ In this connection a letter addressed by Maurice, Count of Nassau, to King James the Sixth, in 1586, is of interest. The prince states that a "Sieur de Melville" had been in charge of his person for several years, by command of his father, the famous William, Prince of Orange. This Sieur de Melville, having visited foreign nations, desired in that year to retire to his native country, which he did with letters of recommendation from Prince Maurice.⁴ If this Sieur de Melville be identical with the subject of this notice, his linguistic accomplishments and other courtly qualifications would be explained. The date of the letter agrees with William Melville's first appearance in Scottish record.

William Melville was appointed an ordinary lord of session about the year 1587, and he was also in 1588 provided to the spirituality of the abbacy of Tongland, in Galloway.⁵ He had been appointed commendator some time previously. This was probably intended as a reward for his services in going to France, where he was commissioned to make acquaintance with the Princess of Navarre. This embassy took place while negotiations were going on with Denmark for a union between King James the Sixth and a princess of Denmark. Overtures had been made in that direction before, but had failed. In the beginning of

¹ Registrum Magni Sigilli, vol. iv. No. 2533. The date is doubtful and may be earlier.

² Memoirs of Sir James Melville, p. 365.

³ Thorpe's Calendar of State Papers, vol. i. p. 461.

⁴ Contemporary copy of original letter from

Prince Maurice, 13th March 1586, in the Earl of Haddington's Charter-chest; cf. Calderwood's History, vol. iv. p. 394.

⁵ Acts of the Parliaments of Scotland, vol. iv. pp. 307, 308.

June 1587, however, negotiations were renewed by King James, but while his ambassadors were in Denmark, the Sieur du Bartas arrived in Scotland as a private envoy from King Henry of Navarre, afterwards Henry the Fourth of France. What passed between King James and Du Bartas is not recorded, but one result was the embassy referred to, which was undertaken by the commendator of Tongland. He was well received and entertained by the King of Navarre, and also gained the favour of the young princess, returning to Scotland with her portrait and a good report of her rare qualities. In the end, as is well known, King James, having received the portraits of both the French and Danish princesses, decided on marrying the latter. He desired Sir James Melville to pass to Denmark and conclude all arrangements, and also commissioned the commendator to accompany his brother. But, as formerly stated, Sir James had no desire to undertake the mission, and it was finally discharged by the Earl Marischal of Scotland.¹ The two brothers, however, figured prominently in the preparations made for the queen's expected home-coming in October 1589.²

The grant made to William Melville in 1588 included the profits from the churches of Troqueer, Tongland, Sandwick (now part of Borgue, Minnigaff, and Leswalt), with those of Inch and "Gretoun" annexed; in addition to which he was assigned a yearly pension of £616, 18s. 4d. Scots, from the temporalities of the bishopric of Galloway, then in the hands of the Crown, the grants being afterwards ratified by parliament.³ Three years later the king conferred on him the benefice and abbacy of the monastery of Kilwinning, in Ayrshire, with jurisdiction of regality over the lands, lordships, etc., thereof. This the commendator, in the following year, resigned into the king's hands for a regrant to himself, his heirs and assignees, and on 17th May 1592 a charter in his favour passed the great seal. This writ narrates his services to the king in dealing with various princes and nobles beyond the kingdom. Some difficulty was experienced by the new lord of Kilwinning in taking possession, owing to the non-delivery of the register-book of the abbey, as well as of the abbacy itself, which was still in the hands of the widow and son of Alexander Cunningham, the former commendator. In February 1592, William Melville raised an action against these parties for delivery of the abbacy, the register-book, and the seal of the chapter, which was also missing. He afterwards departed from the claim as regarded the register, and decree accordingly was pronounced against the defenders. Melville, however, did not long retain the barony of Kilwinning, but in 1603 sold it,

¹ *Memoirs, ut supra*, pp. 364-366, 368.

³ Acts of the Parliaments of Scotland, vol. iv. pp. 307, 308. Dates of grants, 7th November and 8th December 1588.

² Calderwood's History, vol. v. p. 63.

including the lands of Lyandercross and Skaimmerland, to Hugh Montgomerie, fifth Earl of Eglinton, whose lineal representative, the present Earl of Eglinton and Winton, is still in possession.¹

William Melville, although a senator of the college of justice and a privy councillor, does not appear frequently on public record, though he seems to have taken his share in the events of his time. He subscribed the lease by which, in January 1594, the mint was leased to the town of Edinburgh for a certain term, at a rental of 110,000 merks, payable at the rate of 1000 merks weekly. This lease was entered into shortly before the birth of Prince Henry, and doubtless with a view to provide the royal household with ready money in view of that event. The baptism of the young prince followed in due course, and preparations for the ceremony were begun months before it took place. Lord Tongland was one of those specially appointed to attend upon and entertain the foreign ambassadors who were invited. This he and his brothers did much to the satisfaction of the guests, who expressed their contentment, greatly to the king's pleasure.²

The commendator also was present at various conventions of estates and less often at meetings of the privy council, of which he was admitted a regular member in June 1607.³ He was in 1594 made responsible for payment of the taxation on account of Prince Henry's baptism, collected in his locality, and in the same year he was named as an assessor to the justices of his neighbourhood for more effectual punishment of criminals.⁴ He also appears on two occasions as taking part in ecclesiastical politics, and though the part he is recorded as taking was indeed insignificant, the questions at issue were important. They arose out of the determination of King James, which of late years had been more and more openly expressed, to interfere in the government of the Church, and secure the establishment of an order of prelates. This desire, though not stated, was implied in a resolution put to the General Assembly of the Church of Scotland at Dundee in March 1598, and carried, to the effect that the ministry of the Church should have a vote in parliament. Against this and the conclusions following on it, Mr. John Davidson, minister of Prestonpans, had protested, greatly to the displeasure of the king, who after the close of the assembly at once took measures against him in the presbytery of Haddington.⁵ One of the commissioners despatched to press the king's opinion against Mr. Davidson was Lord Tongland, and

¹ Memorials of the Montgomeries, Earls of Eglinton, by Sir William Fraser, K.C.B., vol. i. pp. xix, 54, 55; also his *Memoirs of the Maxwells of Pollok*, vol. i. p. 11.

² *Memoirs of Sir James Melville*, pp. 411, 412.

³ Register of Privy Council, vols. v. pp. 288, 332, 334, 367, 462, 488, 496, 499, 556; vi. pp. 23, 62; vii. pp. 55, 380, 407, 411, 421, 422, 526.

⁴ *Ibid.* vol. v. pp. 646, 755.

⁵ Calderwood's *History*, vol. v. pp. 709, 724.

though the proceedings ended in nothing, he was again employed on a similar errand. It had been resolved that the election of those ministers who were to vote in parliament should be settled at a meeting at Falkland, to be composed of commissioners from the various provincial synods. The king therefore devoted all his energies to secure from the various synods the return of men favourable to his views. The synod of Fife, which met in June 1598, being an influential body, the king despatched Lord Tongland and another as special commissioners to guide the election. There was a considerable debate, but the commissioners effected their purpose by dexterously preparing a long leet for election, thus excluding those named in it, while they dealt with the remainder so effectually that three persons acceptable to the king were chosen, though not without opposition.¹

Some years later, the king attained his purpose, and bishops were appointed to most of the old sees. Mr. Gavin Hamilton was in 1605 constituted bishop of Galloway, and as Lord Tongland derived his income from revenues formerly belonging to that diocese, the new order of things affected his rights. He therefore presented a petition to parliament, which ratified all his rights and particularly an arrangement by which the new bishop promised never to hurt or molest him in the pension enjoyed by him, it being the king's desire that such pension should remain unaffected by the bishop's appointment.²

Mr. William Melville in 1606 was a creditor of his eldest brother, John Melville of Raith, for £40.³ He was also "parson" or lessee of the parsonage teinds of the parish of Monimail.⁴ He died on 3d October 1613, intestate, and his nephew, Mr. Thomas Melville, son of John Melville of Raith, was his executor-dative.⁵ Lord Tongland married Anna Lindsay, by whom he had two children, one son and a daughter.

The son was Frederick Melville, who only survived his father five months, dying in March 1614. His cousin, Mr. Thomas Melville, was his executor, and his library was valued at £100 Scots, while he also possessed two rings, each valued at £50 Scots, one containing a diamond.⁶

The daughter was Agnes Melville, who died before 1st February 1615, when her uncle, Sir Andrew Melville of Garvock, was retoured heir to her in an annualrent of sixty merks in money with seven bolls two firlots of barley, secured over the lands of Prinlaws in Fife.⁷

¹ Calderwood, vol. v. p. 725.

² Petition and contract with Bishop Hamilton, Acts of the Parliaments of Scotland, vol. iv. pp. 306-308.

³ Vol. iii. of this work, p. 150.

⁴ Writs in Melville Charter-chest.

⁵ Commissariat of Edinburgh, Testaments, vol. 48, 24th May and 17th June 1614.

⁶ *Ibid.*, 17th June 1614.

⁷ Fifeshire Retours, No. 236.

VI.—JOHN MELVILLE OF RAITH, 1548-1605.

ISABELLA LUNDIE, HIS FIRST WIFE.

MARGARET BONAR, HIS SECOND WIFE.

GRISELL MELDRUM, HIS THIRD WIFE.

As shown in the memoir of his father,¹ this laird of Raith was not the eldest son of Sir John Melville, but he became entitled to the succession by the death of his elder brother, William, in their father's lifetime. He was, however, the eldest son of Sir John Melville by his second marriage with Helen Napier, and had probably just reached his majority at his father's death. Owing, no doubt, to the depressed state of the family fortunes, under the sentence of forfeiture pronounced on his father, John Melville does not appear on record till about the year 1560, when the reforming party had gained ascendancy in the state. Genealogical writers in their account of the family state that John Melville of Raith was restored to his paternal inheritance by Mary of Guise, the queen-regent, in 1553, on the intercession of King Henry the Second of France, with whom, it is said, the laird's younger brother, Robert, was a favourite. But this statement is not corroborated by any evidence. Mary of Guise was not regent in 1553, while David Hamilton was still proprietor of Raith so late as 1559.²

There is no record of any relaxation of the forfeiture until it was rescinded by parliament in 1563, and it is probable that John Melville remained at Raith with his mother as tenant of his father's estates. In 1560, however, the tide of his fortune began to turn. His brother, Robert, who had been in the personal service either of the queen-dowager, or of the young Queen Mary, received in October 1559 from her and her husband, Francis, a grant of two

¹ P. 79, *antea*.² Cf. vol. iii. of this work, p. 98.

annualrents payable from the lands of Hilton of Rosyth, which had belonged to the late Sir John Melville and been escheated to the Crown.¹ These, in the following year, Robert Melville resigned in favour of his elder brother, whom he styles "my belovit brother, Johne Mailuill of Raith." This transaction took place on 31st December 1560. About a month later George Durie, abbot of Dunfermline, the alleged enemy of the Melvilles, took his departure from Scotland.² The part which Durie is said to have played in the final tragedy of Sir John Melville's life has already been fully narrated in his memoir, and it is certainly remarkable that the next transaction between John Melville and his brother, a few weeks after the abbot's departure, is founded on an expectation that the forfeiture of the lands of Raith would be rescinded and the estates restored. In the event of such a result being attained, the brothers agreed that John Melville, on obtaining Raith, should make over to Robert the lands of Murdochheairnie, while the latter, in turn, should resign his rights over the Abden of Kinghorn. It was further provided that if John Melville failed to obtain possession of Raith, then within two years he should pay to his brother one thousand merks for the rights over the Abden, while, on the other hand, the arrangement was declared optional on both sides.³

The anticipations of John Melville and his brother were not realised until upwards of two years later. During the interval, however, John Melville received various letters of gift from Queen Mary, one of which granted to him the escheat of the two annualrents formerly referred to, amounting together to 43 merks 3s. 10d. Scots, due by the Stewarts of Rosyth from the Hilton of Rosyth, and which had remained unpaid from Martinmas 1549 to Martinmas 1559. This gift was followed by letters forbidding Robert Stewart of Rosyth from alienating the subjects mortgaged to evade payment of the interest due.⁴ Queen Mary also, about four months before his restoration, granted to John Melville all reversions, escheats of annualrents and other sums of money which had belonged to his deceased father.⁵

¹ Cf. vol. iii. of this work, p. 99.

² George Durie sailed for France on 29th January 1560-61. [Diurnal of Occurrents, p. 64.]

³ Contract, dated 18th March 1560-61,

vol. iii. of this work, p. 101.

⁴ Gift, 28th April 1562, and Letters, 7th October 1562, in Melville Charter-chest.

⁵ 12th February 1562-3, Pitcairn's Criminal Trials, vol. i. pp. *341 and *342.

As formerly stated, John Melville joined with his mother and his brother, Robert, in petitioning for the rescinding of his father's forfeiture. The matter came before parliament on 4th June 1563, when an act was passed declaring the sentence and forfeiture directed against Sir John Melville to be null and void, and restoring his widow and children to their former position and rights of succession as if the sentence had never been pronounced.¹

After this date we find John Melville exercising proprietorship over his family estates and property. One of his earliest recorded acts was to carry out the arrangement formerly made with his brother, Robert, respecting Murdochcairn and the lands of the Abden of Kinghorn.² A few months later the new laird of Raith entered into an arrangement with Robert Stewart of Rosyth as to the annualrents formerly referred to, by which a sum of £600 was to be paid in full for the past interest, while the yearly rate due was to be regularly paid.³

John Melville of Raith was, on 10th November 1563, duly retoured as lawful heir-general of his father, Sir John Melville, but his full title to his lands of Raith and others does not appear to have been completed till some years later, partly owing to opposition by the holder of a small mortgage over the lands of Torbain,⁴ and partly to delay in judicial proceedings for legally evicting David Hamilton from the lands of Raith. A final decree, however, declaring Hamilton's possession void, was pronounced by the lords of session in the beginning of the year 1566;⁵ a precept of sasine was issued by Robert [Pitcairn], commendator of Dunfermline, as superior, on 3d October 1566, and John Melville was duly infeft a week or two later.⁶

John Melville of Raith appears to have taken little part in public affairs. He was present at the General Assembly of the Church of Scotland held in July 1567, and subscribed the articles dealing with the affairs of the kirk,⁷ but no other public appearance has been recorded regarding him, although

¹ Vol. iii. of this work, pp. 102-108.

² Agreement, dated 31st July 1563, vol. iii. of this work, p. 108.

³ Agreement, dated 9th October 1563, in Melville Charter-chest.

⁴ Vol. iii. of this work, pp. 109, 112-115.

⁵ Decree, 19th January 1565-6, in Melville Charter-chest.

⁶ Sasine, dated 15th October 1566, in Melville Charter-chest.

⁷ Calderwood's History, vol. ii. p. 382.

his brothers were prominent statesmen. He seems to have occupied himself chiefly with the business of his estate, and the family papers indicate that during the twenty years after he came into full possession he paid off a number of mortgages. It is not clear whether these were the result of pecuniary embarrassments or temporary loans. Some of them were obligations inherited from his father. As many of the transactions are of local interest, the principal of them are here noted.

His first payment of this nature was to his brother Robert, of 750 merks Scots which had been secured over the lands of Torbain and Pitconmark.¹ The next was to John Moultray of Markinch and Seafield. The sum of 12 merks yearly, which, as narrated in the memoir of Sir John Melville, was granted as compensation for the slaughter of Thomas Moultray of Markinch, had been regularly paid until 1558, when payment was intermitted. Moultray, in 1563, sued Melville for payment for the preceding five years, but, by an agreement between the parties at Lundie, Moultray accepted a sum of 240 merks, and discharged Melville of all claims for the future.² A few days later, John White of Lumbany, brother and heir of the late Robert White in Bannettle, [Bennochie?] acknowledged payment of 200 merks, secured over Shawsmill, and due to his deceased brother.³

Another creditor was Alexander Jameson, burgess of Cupar, to whom the laird paid 444 merks in 1566.⁴ In the same year he granted an annualrent of one chalder of barley and one of oats, from his lands of Torbane, to John Melville of Wester Touch, Margaret Mason, his wife, and Margaret Melville, their daughter, as interest on a loan of 600 merks.⁵ In 1572 he paid 300 merks due from Shawsmill to the deceased John White, burgess of Kirkcaldy, which White's widow, Alison Lowdown, and James White, their eldest son, acknowledged.⁶ In October 1574, a sum of 140 merks, secured over Torbain, was paid, apparently to another branch of the same family,

¹ Original receipt, dated 10th December 1563, in Melville Charter-chest.

² Copy Summons against Melville, 18th November 1563; discharge by Moultray, 28th February 1564-5, in Melville Charter-chest.

³ Receipt, dated 15th March 1564-5, *ibid.*

⁴ Obligation, dated 19th January 1565-6; acknowledgment, 10th November 1566, *ibid.*

⁵ Letter of reversion, 22d November 1566, *ibid.*

⁶ Receipt, 10th November 1572, in Melville Charter-chest.

Katherine Napier, relict of the late James White, burghess of Kirkcaldy, acknowledging receipt. About the same time also were paid—to Mr. George Lundie of Gorthie, 100 merks, secured over Raith; to Mr. Peter Ramsay, as brother-german and heir of the late Mr. William Ramsay, one of the four masters of St. Salvator's College, St. Andrews, 400 merks, also secured over Raith; and to Janet Calpe, as heir of her late father, Patrick Calpe, burghess of Easter Kinghorn, 200 merks.¹ It may be noted that Peter Ramsay is described as a son of the late Helen Bruce, wife of the laird of Brackmonth, and the original loan to Melville is said to have been paid in coins called xxx^s pieces.

In 1577 John Melville discharged a debt inherited from his father, who in 1512 had mortgaged to George Airth, burghess of Cupar, and Janet Clepane, his wife, the lands of Easter Pitscottie and part of Torbain. The obligation was assigned by George Airth, son of the original creditors, to Allan Jameson, burghess of Cupar, and in November 1577 Melville acquired for 815 merks from David Jameson, burghess of Cupar, son and heir of David Jameson, and grandson of Allan Jameson, all his rights over the lands mortgaged.² Four years later 500 merks, which had been borrowed in 1573, were repaid to Archibald Melville, burghess of Dysart,³ and in 1583 Robert Bruce, brother of Robert Bruce of Airth, acknowledged payment of two sums of 500 merks and £100 Scots respectively.⁴

In 1584, Margaret Irving, relict of John Boswell, burghess of Kinghorn, acknowledged for herself and John Boswell, her son, the payment of 240 merks, and in 1586, 600 merks were paid to James Johnston, son and heir of the deceased James Johnston, in Over Grange of Kinghorn.⁵ In 1587, James Henryson, chirurgion and burghess of Edinburgh, as assignee for John Henryson, lieutenant to Captain William Moncreiff, acknowledges payment of 140

¹ Lundie's acknowledgment, dated 15th September 1574; White's, dated 16th October; Ramsay's, dated 27th October, and Calpe's, dated 10th November, same year, all in Melville Charter-chest.

² Agreement with Jameson, 19th October 1576, and his receipt, 23d November 1577, *ibid.*; cf. vol. iii. of this work, p. 57.

³ Original obligation, 24th November 1573,

having receipt, 11th May 1581, indorsed, in Melville Charter-chest. A later loan of 200 merks was negotiated with the same Archibald and Janet Preston, his spouse, in 1576.

⁴ Receipt, dated Dysart, 10th May 1583. *Ibid.*

⁵ Renunciation by Boswells, 5th June 1584, and by Johnston, 23d May 1586, in Melville Charter-chest.

merks, being seven years' interest due to the lieutenant.¹ In 1588 the laird of Raith, by a contract between him and the other parties concerned, was released from the payment of an annualrent which had first been incurred by his father as surety for a neighbouring laird. The circumstances were briefly related in the memoir of Sir John Melville, but may again be stated. Robert Orrock of that ilk,² was, at the instance of his kinsman, Alexander Orrock of Silliebalbie, or Balbie, adjudged by the bailie of the regality of Dunfermline to pay a fine of £550 Scots. Sir John Melville became his cautioner, and an apprising of the sum of 43 merks, 3s. 4d. yearly was taken over his lands of Raith by James Beaton, archbishop of St. Andrews and commendator of Dunfermline, while a similar sum was secured to Sir John from the lands of Hilton of Rosyth, belonging to Henry Stewart, the other cautioner who had failed to pay. After the death of Archbishop Beaton the annualrent from Raith was paid to his nephew, Archibald Beaton of Capildra. The son of the latter, John Beaton of Capildra, alienated his rights over Raith to Alan Coutts of Grange, who, in 1588, entered into an agreement with John Melville, Henry Stewart of Rosyth, as heir to his father, the late Henry Stewart, and Henry Orrock of that ilk, as heir to his father, the late Robert Orrock. The parties agreed that as Alan Coutts and Henry Orrock had arranged together for payment of the annualrent, Coutts should discharge Melville of all liability, while Melville in turn acquitted Stewart, and Stewart exonerated Orrock of all claims, which was done, all the parties signing the contract, and binding themselves to observe it.³

Other creditors, at various times and for various sums, were Magnus Sinclair of Lees; Henry Echlin of Pittadro;⁴ Henry, Lord Sinclair; George Broun, litster of Kirkcaldy, Grisell Rouch, his wife, and their sons, George and William; Mr. Richard Spens, advocate, succeeded by his son, Archibald Spens, their rights being assigned to Elizabeth Spens, eldest daughter of

¹ 15th January 1587-8.

² He is called William in another part of this writ, and also in a duplicate, but the earlier writs name him as Robert Orrock.

³ Contract, dated 28th January 1588-9, and duplicate, signed by Henry Orrock alone, in Melville Charter-chest. It may be added that, on 6th July 1599, 800 merks

were paid by Melville to Mr. Francis Bothwell, brother of John, commendator of Holyrood, as executor of Alan Coutts.

⁴ 1581. A seal is attached to the writ signed by Echlin, showing, quarterly, (1) a fess chequé, (2) a galley, (3) a stag, and (4) a dog; legend "S. HARE EC[HLIN]E."

Richard, and her husband, James Stewart of Allanton; William Buist, burgess of Kirkcaldy, Margaret Williamson, his wife, and Bessie Buist, his daughter, with others. These mortgages were paid off from time to time.

John Melville of Raith appears to have had a long-continued dispute with a neighbouring laird, George Martin of Carden, respecting the marches between his lands of Carden and Melville's lands of Torbain and Pitconmark. A similar dispute in 1512 had been settled by a deliverance of adjoining proprietors. In 1567 John Melville obtained letters of arrestment against George Martin of Carden, his mother, Jonet Durie, widow of the late David Martin of Carden, James Wemyss of Caskieberran, now her husband, and Thomas Stark, tenant of the lands of Carden, charging them with sowing and cultivating their grain, pasturing their cattle and sheep, and cutting peats, etc., within the bounds of his lands of Raith, Torbain, and Pitconmark. The time of encroachment is not stated, but it probably began during the continuance of Sir John Melville's forfeiture, and was perhaps encouraged by George Durie, abbot of Dunfermline, who, before his going to France, had acted as tutor to the young laird of Carden.

The letters for arresting the grain crop of the trespassers were issued in August 1567,¹ and put in force a few days later, and they continued in force for a month, when they were relaxed with John Melville's consent, without prejudice to his rights. An arrangement was made in the following February for settling the matter by the arbitration of Sir William Kirkcaldy of Grange, William Bonar of Rossie, Robert Melville of Murdochcairnne, and William Barclay of Touch, on the part of John Melville; and Alexander Inglis of Tarvit, John Wemyss of Pittenerieff, James Wemyss of Lathoker, and Peter Martin, burgess of Edinburgh, on the part of Martin. The arbiters met on the ground on 8th March 1568, and adjourned the inquiry to the 5th June following, on which day witnesses were examined for both parties. The case afterwards went before the lords of council and session, and dragged on for several years, as appears from the dates of documents produced in Court.

One of these, dated in 1582, shows a relationship between the Martins of

¹ Letters, issued 23d, enforced 29th August, and loosed 21st September 1567, in Melville Charter-chest.

Carden and Robert Logan of Restalrig, afterwards famous for his alleged connection with the Gowrie conspiracy. From this writ, a copy of an instrument of sasine, it appears that George Martin was only infeft in his lands of Carden in April 1583, and that they had been fifty years in non-entry. In 1559 a decree was issued at the instance of Peter Durie of Wester Kinghorn, who had a gift of the non-entry duties, against George Martin, his mother, and her second husband, James Wemyss; and Robert Logan, then of Restalrig, and George Ogilvie, son and heir of Sir Walter Ogilvie of Dunlugas, were summoned for their interest as grandsons and apparent heirs of the deceased Elizabeth Martin, lady of Fastcastle.¹ In 1581 the lands of Carden were appraised to the Crown, and George, now Sir George Ogilvie of Dunlugas, and Robert Logan, son and heir of the former Robert Logan, were summoned for their interest. Who Elizabeth Martin was has not been clearly ascertained, but from the degree of relationship stated she appears to have been the wife of Sir Patrick Home of Fastcastle in the time of King James the Fourth, and was probably heiress of the barony of Fastcastle. Sir Patrick Home had issue two heiresses, one of whom, Alison, married Sir Walter Ogilvie of Dunlugas, while the other, Elizabeth, married Sir Robert Logan of Restalrig, and became grandmother of the alleged conspirator.

The dispute between Raith and Carden was still going on in 1594, probably because, as the Martins of Carden were adherents, first of Queen Mary's party and afterwards of the faction of Francis, Earl of Bothwell, they occasionally suffered under civil disabilities. The quarrel, however, was renewed or aggravated by an incident which took place on 1st July of that year, perhaps by arrangement that the matter might be formally brought into court. On that date, as recorded in a notarial instrument, Thomas Scott, as acting for the laird of Raith, and his son, John Melville, younger, then in possession of Pitconmark, and certain tenants and servants, were casting turf and pasturing cattle on that part of the lands of Torbain "callit the Staip Stanes, betuix the west end of the mos and the todholes." While so engaged the laird of Carden and his servants appeared, and with dogs violently drove away Melville's cattle and sheep from the part of the land named, and

¹ Copy sasine, 2d April 1583, in Melville Charter-chest; cf. *Registrum Magni Sigilli*, 1580-1593, No. 436.

stopped Scott in cutting turf. Scott then, on behalf of his employers, declared in presence of the notary that he had been wrongfully molested and the servants of both parties were entered as witnesses of the fact. Complaint was made to the privy council, who, a month later, took security from George Martin to the amount of 5000 merks that he would not trouble the elder Melville, but some days later this order was cancelled, perhaps because the parties had brought a civil action against each other.¹ This action was still in dependence in October 1595, when the laird of Raith procured letters of summons for citing his witnesses, but the final result of this dispute is not known from any papers now in the charter-chest.

In June 1589, the laird of Raith had a visit from William Douglas, ninth Earl of Angus, who had lately entered into possession of his earldom, and was then not long returned from a warlike expedition with the king against the Catholic rebels in the north of Scotland. While at Raith the earl granted a feu-charter to Alexander Home of Northberwick Mains, of part of the lands of Byreclench, in Berwickshire.² In September 1595, John Melville joined with several other Fifeshire barons in appointing Sir John Wemyss, younger of Wemyss, and Sir John Melville of Carnbee, to represent them in parliament, and in 1598 he joined in a similar commission to Sir John Wemyss and Andrew Wood of Largo.³

Any further details of the history of this laird of Raith relate almost wholly to his family and domestic affairs. He was three times married, first, in 1563, to Isobel Lundie, daughter of the laird of Lundie. By her he had one son, who succeeded him, and two daughters. It has not been ascertained when she died, but in 1575 he administered as executor to his second wife, Margaret Bonar. She was of the family of Rossie, and died in October 1574, leaving issue one son, Mr. Thomas Melville, and, it is said, three daughters, but only two are named. The laird married, as his third wife, Grisell Meldrum, of the family of Segie. She died in October 1597, leaving issue one son, James, and three daughters.⁴ In 1584, the laird and his third

¹ Instrument, 1st July 1594, in Melville Charter-chest; Register of Privy Council, vol. v. p. 630.

² Registrum Magni Sigilli, 1580-1593, No. 1866.

³ Memorials of the Family of Wemyss of Wemyss, by Sir William Fraser, K.C.B., vol. iii. pp. 219-221.

⁴ Vol. iii. of this work, p. 121.

wife entered into a contract with James Scott of Balwearie and his sister Margaret Scott, for the marriage of the latter and John Melville, younger of Raith.¹ The elder Melville agreed to infeft his son and his wife in conjunct fee of all his lands, Raith, Torbain, Pitconmark, Pitscottie Easter, Feddinch, and Shawsmill, with the Abden of Easter Kinghorn, reserving, however, the Abden in liferent to Helen Napier, widow of Sir John Melville, part of Pitconmark to Margaret Douglas, widow of William Melville, Sir John's eldest son, his own life interest and his wife's rights under her marriage contract. In return John Melville, younger, was to undertake the redemption of the various mortgages still existing on the estate, provision being made for the laird's younger children. Some question appears to have arisen at a later date, as to a formerly intended union between the families of Scott and Melville, and perhaps some demands were made by the former on the strength of an alleged agreement. Be this as it may, to settle the question, John Melville, along with a notary, paid a visit to William Barclay of Touch, said to be one of the witnesses of the contract, and who was then lying ill. Barclay being solemnly adjured to declare the truth, asserted that he never was present at any contract of marriage made between the late Sir William Scott of Balwearie and the late Sir John Melville; that he neither knew nor heard that Sir John had received 200 merks as part payment of a tocher promised by Sir William with his daughter, to Sir John's son; that he had frequently heard Sir John Melville declare that he would never put his son in fee of his lands, nor would he be obliged to do so; and lastly, that of late years Thomas Scott of Brunshiels would have persuaded the witness that he was present at the said contract of marriage, but Barclay constantly affirmed he never knew of such a thing.² No further reference is found to this subject, and it may be noted that so early as 1509 and 1517, questions as to a sum of 200 merks did arise between Sir William Scott and Sir John Melville, as stated in the previous memoir, but this sum had no apparent connection with any marriage contract,³ though it may have been the origin of a report to that effect.

¹ Contract dated at Kirkcaldy, 30th May 1584. 14th May 1586; John Barclay of Touch, David his son, and others, witnesses. Vol.

² Notarial instrument recording Barclay's statement, dated in his house at Kirkcaldy, iii. of this work, pp. 127, 128.

³ P. 39 of this volume; vol. iii. pp. 56, 60.

In the following year, 1585, the laird married his daughter Margaret to James Wemyss of Bogie, a younger son of David Wemyss of that ilk, and gave with her a tocher of 2500 merks.¹ In 1588 another agreement was made between the elder Melville and his wife and the younger Melville, restating the terms of the previous contract, but omitting the clauses as to the two jointures chargeable on the estate.² The provisions for the laird's younger children are also more clearly defined, and arrangements made for their payment.³ In the following January Isobel Melville, daughter of the laird, married George Auchinleck, son of George Auchinleck of Balmanno. Her father promised with her a dowry of 5000 merks.⁴

In October 1597, John Melville's third wife, Grisell Meldrum, died, and in the following year he administered to her estate.⁵ Two years later he and his eldest son and his son's wife entered into another agreement as to the family estate. In this document no reference is made to the younger children, who were otherwise provided for, but the elder Melville gave up his whole estate to his son, who undertook to pay all the interests due after Whitsunday 1600. The younger Melville and his wife bound themselves to furnish yearly to the laird four chalders of good victual, beginning between Yule 1600 and Candlemas 1601, with six dozen fowls, thirty of these being capons and the rest poultry. The laird had also right to obtain coal and lime from the lands of Raith, and security was given for the payment of his yearly pension over the house of Raith and three acres and other lands adjoining, with grass for three horses and forty sheep yearly.⁶ In terms of this contract the laird formally resigned his lands of Raith and others held of the Crown into the hands of Queen Anna, who was then superior of the regality of Dunfermline, and on 28th April 1602 the king and queen granted a charter to John Melville, younger, and Margaret Scott his wife.⁷

¹ Contract, dated 1st October 1585, Memorials of the Family of Wemyss, vol. ii. pp. 213-216.

² Dame Helen Napier and Margaret Douglas had probably died in the interval.

³ Vol. iii. of this work, pp. 128-131.

⁴ Contract, dated 25th January 1588-9, in Melville Charter-chest.

⁵ 26th December 1598, vol. iii. of this work, pp. 142-146.

⁶ Contract, dated 20th June 1600, in Melville Charter-chest.

⁷ Charter and relative writs, *ibid.*

John Melville of Raith died in the month of March 1605, having made his will and given up an inventory of his effects on the 16th January preceding. His personal goods and the debts due to him amounted to £861, 10s. Scots, but his debts to others exceeded that sum by £736, 8s. 8d. Scots. He is said to have been buried at Kirkcaldy. He appointed his younger sons, Mr. Thomas Melville and James Melville, his executors, the last named, however, refusing to accept. He provided for his three unmarried daughters by recommending them respectively to the care of his brothers Sir Robert and Sir James Melville and of his nephew Sir Robert, "that they (his daughters) may be in gude company, to be brocht up in the knowlege and feir of God and all honest vertewis." Their guardians are also to "haif á cair to sie thame honestlie provydit quhensoevir it sall pleis God that anie meit occasion to mariage sall offer." He concludes by desiring their guardians to accept of his daughters "as childrene, and to supplie his place in dischairging a fatherlie dewtie towardis thame, and sua hoping, he levis to thame his blissing."¹

By his three wives John Melville of Raith had three sons and eight daughters:—

1. John Melville, son of the first marriage, who succeeded his father in the estate of Raith. Of him a memoir follows.
2. Mr. Thomas Melville, the son of the second marriage. He is named as a witness in various documents, also as a cautioner in the marriage contract of his niece, Elizabeth Melville, in 1616. He was named executor in the will of Robert, Lord Melville, in 1621. He had a gift of the marriage of his nephew John in 1626. He is named as a legatee in a testament made by his nephew John, Lord Melville, on 8th May 1642, but is omitted in the confirmed testament of 21st April 1643. He probably died between those two dates.²
3. James Melville, the son of the third marriage, who, about 1588, was provided to the lands of Feddinch. He died apparently between 1642 and 1652. He had issue, so far as is known, two daughters. The eldest, Jean, is named by her cousin John, third Lord Melville, in 1642, as the intended recipient of 200 merks. She married (contract dated 29th April 1652) Adam Scott, writer in Edinburgh, her dowry being 10,000 merks.³ The

¹ Testament, vol. iii. of this work, pp. 149-151.

² Vol. iii. of this work, p. 172, and Testament in Melville Charter-chest.

³ Original contract in Melville Charter-chest.

second daughter, Christian, is referred to in 1642 as the probable recipient of 250 merks.

The daughters were:—

1. Margaret, who married, in 1585, James Wemyss of Bogie. She died in October 1598, leaving issue three sons, James, Ludovic, and Patrick Wemyss.¹
2. Isobel, who married, in 1588, George Auchinleck, younger of Balmanno. She died on 21st December 1593 at Pitterichie, in the parish of Glenbervie, which was her jointure-house, apparently without issue.²
3. Agnes Melville, } named in 1575 as the daughters and executors of their
4. Janet Melville, } mother, Margaret Bonar, lady of Raith.³ As no further notice of them has been found, and no provision for their maintenance is recorded, they probably died young.
5. Alison, who married Mr. David Barclay of Touch. She was probably a daughter of the third marriage with Grisell Meldrum. Provision is made for her and her three younger sisters in 1587. Her husband was minister successively at Dailly, Maybole, Dumfries, Kilwinning, and St. Andrews, and was a prominent Presbyterian. Alison Melville died before 1627, and no issue of the marriage is recorded.
6. Margaret, who is named in 1587 as one of the younger daughters of John Melville, and in 1597 as a daughter of Grisell Meldrum. In 1606 she was recommended by her father to the care of her cousin, Sir Robert Melville of Burntisland. She was apparently still unmarried in 1621, when she is named in the will of her uncle Robert, first Lord Melville, as legatee or creditor for 500 merks.⁴
7. Christian, who is named along with her sisters in 1587 and 1597. She was commended by her father to the care of her uncle, Sir James Melville of Hallhill, and is named by Lord Melville, in 1621, as legatee of 500 merks.⁵
8. Katherine, who is described by her father as his youngest daughter, and was commended to the care of his brother Sir Robert, afterwards first Lord Melville, by whose testament, in 1621, she receives 1000 merks.⁶

¹ Commissariat of Edinburgh, Testaments,
10th November 1599.

² *Ibid.*, 15th December 1596.

³ Vol. iii. of this work, p. 121.

⁴ *Ibid.* pp. 130, 142, 151, and 157.

⁵ *Ibid.*

⁶ *Ibid.*

*Wm Melville of Raith
Wm Melville Band*

VII.—JOHN MELVILLE OF RAITH.

MARGARET SCOTT (BALWEARIE), HIS WIFE.

1605-1626.

VERY little has been ascertained regarding this laird of Raith, either from the family papers or from public records. According to the manuscript genealogy formerly referred to, he was probably born about 1563 or 1564. He is first mentioned in 1584, when he was contracted in marriage to Margaret Scott, sister of James Scott, then laird of Balwearie. The bride's dowry was 5000 merks, and due provision was made for her from the estates of Raith, though, as formerly stated, these were already burdened with two jointures.¹ In 1587 and 1597, Melville also joined in agreements for settling the estate, and providing for his father's younger children. In 1596 his wife was secured in a provision of two chalders of victual yearly.²

As narrated in the previous memoir, John Melville, younger, received in 1602, on his father's resignation, a charter from Queen Anna of the lands of Raith and others, formerly held of the abbacy of Dunfermline, and was duly infeft.³ In 1605 John Melville succeeded his father in full possession of the estates, but little can be recorded of his occupancy. He, however, gradually paid off the various mortgages on the lands, and other debts not cleared off by his father.

While thus engaged he appears to have taken no part in public affairs, though he was not altogether out of the course of current events. In 1608 he was summoned to join the expedition resolved upon by King James to reduce the turbulent clansmen of the Western Islands to order and obedience. Levies were ordered from all parts of the kingdom to meet at Islay in the month of July 1608, there to serve under the command of Andrew Stewart, Lord Ochiltree. The laird of Raith, however, did not obey the order, and at a later date purchased an exemption from the service by a

¹ Contract of marriage in Melville Charter-chest.

² Papers, *ibid.*

³ Charter and relative papers, *ibid.*

composition of £12 Scots.¹ In the following year the laird's name appears in connection with the great scheme put forward for the colonisation of the north of Ireland, known as the plantation of Ulster. A large portion of that district having become forfeited to the Crown, the king resolved to introduce a colony of Protestant settlers, and, in the first stage of the proposal, 90,000 acres were set apart to be taken up by Scotchmen. This land was to be divided out in estates of three sizes—2000, 1500, and 1000 acres. There were certain conditions attached to the occupancy of these estates, such as building strong houses, sufficiently providing them with arms, and settling on the land a certain number of Scottish tenants or cultivators. Each person applying for an allotment was to grant security for fulfilment of the conditions, the amount required being £400 sterling for a grant of 2000 acres, £300 for 1500 acres, and £200 for 1000 acres. This proposal was intimated to the Scottish Privy Council in March 1609, but was not fully responded to until July following, when above seventy persons applied for grants, among whom was the laird of Raith's second son James, whose name was enrolled as an applicant for 2000 acres. The laird, however, does not appear as surety for his son, whose uncle, James Melville of Feddinch, is the cautioner. The list of applicants was afterwards revised, those giving doubtful sureties being excluded, and this was probably the case with James Melville, as he does not appear to have obtained the grant applied for.²

In 1616 the laird of Raith followed his father's example and resigned his lands to his eldest son, John Melville, on condition that the younger children be provided for. The contract between the parties states, that John Melville, elder, and Margaret Scott, his wife, "considering that thair estait is presentlie burdanit with certane debtis and sowmes of money, and also that thay haif ane nowmer of othir childrene to provyde, quhilk can not be commodiouslie done and performet be the said John Melville, elder, and his spous, being now of guid aige," in respect whereof they resolve to dispose of their estate to their son. This they do, reserving their own liferent rights, and also the various mortgages and bonds on the estates, the interest

¹ Vol. iii. of this work, p. 158 ; cf. Register of Privy Council, vol. viii. p. liv.

² *Ibid.* pp. lxxxii-xciii, 330.

of which the younger Melville binds himself to pay, and to redeem the lands when possible. They also transfer their whole right to the teind sheaves of the lands, under certain reservations. In return for these and other conditions the younger Melville binds himself to give to his brothers, James, David, and Thomas, and to his sisters, Jean, Elspeth, Bathia, Eufame, and Margaret, their respective portions as defined, at particular dates.¹ A month later, the laird granted a formal charter of his lands to his eldest son, which was confirmed by King Charles the First after the laird's death.²

After resigning the management of his estates to his son, John Melville, elder of Raith, is scarcely referred to in the family papers, except as nominal laird of Raith, in documents affecting securities on the lands. He died intestate, in January 1626, and was survived by his wife, Margaret Scott, who, with some of his children, gave up the usual inventory of his personal estate, which amounted to £853, 6s. 8d., and when his debts, chiefly for servants' wages, were deducted, to £689, 13s. 4d. Scots.³

The children of this laird of Raith were—

1. John Melville, who succeeded and became third Lord Melville. A memoir of him follows.
2. James Melville, whose name has been already referred to in connection with the plantation of Ulster. His share of his father's estate was fixed by the contract of 1616 at the sum of 1000 merks, payable at Whitsunday in the year 1620. Between 2d May and 6th June 1618 he married Jean Sinclair, designed "Lady Parbroith," probably widow of one of the Setons of Parbroath, and his elder brother, John, granted them by a contract dated at Dysart, a yearly sum of 300 merks Scots, representing a principal sum of 3000 merks. Five years later, James Melville, then designed "of Admure," and his wife, acknowledged receipt from the young laird of Raith of the sum of 3000 merks Scots.⁴ In 1635 he was left a legacy of £1000 Scots by Robert, second Lord Melville.⁵ Nothing more has been discovered regarding this James Melville, unless he be identical with a James Melville

¹ Contract, Raith, 8th March 1616, in Melville Charter-chest.

² Vol. iii. of this work, pp. 157-160.

³ Confirmed Testament, dated 20th April 1627, vol. iii. of this work, pp. 161, 162.

⁴ Discharges, dated Raith 2d May and 6th

June 1618, and at Kingask 7th May 1623, to the second of which David Seton, apparent of Parbroath, is a witness, in Melville Charter-chest.

⁵ Confirmed Testament in Melville Charter-chest.

"of Ardmoone," to whom, in 1653, Mr. Thomas Melville of Kinglassie was executor-dative.¹

3. David Melville, named in the contract of 1616, as provided to 700 merks payable at Whitsunday 1619. He appears as a witness to various documents, and in 1643 was creditor to his brother John, Lord Melville, in £6000 Scots, with interest on two separate loans of £4000 and £2000 respectively. He was also appointed one of the tutors to his brother's children. He was alive on 27th May 1644, but deceased before 25th December following, apparently unmarried, as he had assigned his property to his brother, Mr. Thomas, minister of Kinglassie.²
4. Thomas Melville, afterwards Mr. Thomas, who became minister of Kinglassie. He was born apparently about 1602, and appears frequently in the family papers as a witness to writs by his brothers and other relatives. His portion from his father's estate in 1616 was 500 merks, payable in 1620. According to a recent author, Thomas Melville took the degree of M.A. at St. Andrews in 1622, and was presented and ordained as minister of the parish of Kinglassie in 1630.³ In 1643 he was a creditor of his brother John, Lord Melville, to the amount of 3200 merks Scots,⁴ and in 1644 assignee of his deceased brother David's property. He was a member of the commission of the Church, 1647, and of the general assembly, 1650. In 1653 he administered to the estate of James Melville "of Ardmoone," probably his brother. He gifted four silver communion cups to his parish. He died 21st April 1675, aged about seventy-three. He married Jean Gourlay, and had issue three sons, John, Moses, and George, and three daughters, Jean, Bathia, and Catherine.⁵

The daughters were—

1. Jean Melville. Her portion, as arranged in 1616, amounted to 3000 merks, which was paid to her on 2d May 1618.⁶ She married, contract dated 26th July and 2d August 1623, Michael Balfour of Grange or Newgrange, who in 1629 acknowledges full payment of her dowry of 5000 merks.
2. Elspeth or Elizabeth Melville. Her portion was 2000 merks. She married, contract dated 24th May 1616, Mr. Robert Murray, minister, styled provost

¹ Commissariot of St. Andrews, Register of Testaments, 11th April 1653.

² Discharge by Mr. Thomas for himself and his late brother David, 25th December 1644, in Melville Charter-chest.

³ Scott's *Fasti Ecclesiæ Scoticanæ*, part iv.

p. 547. It may be noticed that he is styled Mr. Thomas so early as 1618.

⁴ Testament in Melville Charter-chest.

⁵ Bathia Melville's testament, *ibid.*; Scott's *Fasti*, *ut supra*.

⁶ Vol. iii. of this work, p. 153.

of Methven, who was a prominent man in the church. They had issue a son, John, who succeeded his father in Methven, and three daughters, Elizabeth, Mary, and Anna, the former of whom is said to have married Mr. George Gillespie, afterwards minister in Edinburgh, but if so she must have been his first wife. John Murray, the son, married Isobel or Elizabeth Scrimgeour, perhaps his cousin.¹

3. Bathia Melville, who, apparently about 1629, acknowledged payment of £1000 from her brother as her share of her father's estate.² She married, contract dated 17th September 1634, John Traill, younger of Dinnork, son of Alexander Traill of Dinnork, who on 25th August 1638 acknowledged 5000 merks paid as tocher.³ She survived her husband, and died in Kinglassie, Fife, in July 1652.⁴
4. Euphame Melville, who on 19th June 1629 gave a discharge for her portion of 1000 merks. She apparently remained unmarried.
5. Margaret, who on the same day as her sister, Bathia, received 1000 merks as her portion.⁵ She married, contract dated at Wester Bowhill and Raith, 10th and 12th December 1632, James Scrimgeour of "Wester of Cark-moir" [Wester Cartmore?], son of Mr. John Scrimgeour, sometime minister at Kinghorn, but deprived and residing on his property of Wester Bowhill, Auchterderran. Her dowry of 2700 merks was paid to her husband on 4th June 1633, by his mother-in-law, Margaret Scott, lady of Raith.⁶ The Elizabeth Scrimgeour who married Mr. John Murray, younger minister of Methven, may have been a daughter of this marriage.

¹ Cf. Scott's *Fasti*, etc., part iv. p. 650.

² Discharge, vol. iii. of this work, p. 154, printed as of date 1620, but more probably 1629, as it was after the father's death in 1626.

³ Discharge, in Melville Charter-chest.

⁴ Confirmed Testament of Bathia Melville, 9th March 1653, *ibid.*

⁵ Vol. iii. of this work, p. 154.

⁶ Discharge in Melville Charter-chest. There is reason to believe that Mr. Scrimgeour, elder, was a cadet of the family of Scrimgeour of Myres, who held the office of hereditary macers and sergeants-at-arms of the Palace of Falkland. The son James here referred to is not named by Mr. Scott in his *Fasti*. [Cf. part iv. p. 544.]

John Murray

VIII.—JOHN MELVILLE, SEVENTH LAIRD OF RAITH, AND THIRD LORD MELVILLE
OF MONIMAIL, 1626-1643.

ANNE ERSKINE (INVERTIEL), HIS WIFE.

John Melville, seventh of Raith, succeeded his father in the family estates in January 1626, and was duly infeft in Raith on 13th March 1626.¹ He had already been placed in virtual possession of the estates, under conditions as to provisions for his younger brothers and sisters, by a contract with his father in March 1616, as noted in the previous memoir. A charter granted to him by his father and mother, in April 1616, was confirmed by King Charles the First on 3d February 1626.² In October 1627 he married Anna Erskine, eldest daughter and co-heiress of Sir George Erskine of Invertiel, one of the senators of the college of justice. The laird of Raith bound himself to secure his intended spouse in as much of his lands of Torbain, Pitconmark, and others, as would yield a yearly value of twenty-six chalders of victual, while Sir George Erskine promised with his daughter a dowry of twenty thousand merks.³

This laird of Raith appears to have taken little part in public affairs, and his name does not occur in the record of any prominent event until after his accession to the dignity of Lord Melville in 1635. As already stated on a previous page, Robert, second Lord Melville, was by special charter empowered to nominate either his heir-general or heir of conquest as his successor in the title. His heir-general was James Melville of Hallhill, who was his cousin, and the son of his father's immediate younger brother, while his heir of conquest was John Melville of Raith, not so near a kinsman, but descended from the elder brother of Lord Melville's father. These two, the laird of Raith and the laird of Hallhill, on the day on which Robert, Lord Melville, made his will and his choice of a successor, entered into a contract by which they bound themselves to abide by his decision in the

¹ Original sasine in Melville Charter-chest.

² Vol. iii. of this work, pp. 157-160.

³ Contract, dated 27th October 1627, in Melville Charter-chest.

matter, which was in favour of John Melville of Raith. Robert, Lord Melville, died on 19th March 1635, and the laird of Raith assumed the title, although the king at first demurred to acknowledge him as Lord Melville. Two months later King Charles the First wrote to the Scottish privy council that he had been informed that the laird of Raith had assumed the title of a lord and baron of parliament upon a testamentary declaration made by the deceased Robert, Lord Melville; he had not been acquainted with the reason of this step, for which there was no precedent, and he desires the council to summon the laird before them, and to forbid using "suche title of a lord" until authorised by a royal warrant to do so.¹ The council, on receipt of this, summoned Melville before them, but on his production of the royal charter of 1627, which empowered the deceased Lord Melville to nominate his successor, they were satisfied, and represented the case fully to the king in favour of the new peer. On 11th May 1636 he was retoured heir of conquest and provision of the late Robert, Lord Melville, in the lands and barony of Monimail, with the title of Lord Melville, and in the lands of Letham of Edensmoor, Monksmire, and others named, in the shire of Fife.²

The new peer was also attacked at this time in regard to the executry of his predecessor in the title. George Melville of Garvock, elder son of the late Sir Andrew Melville of Garvock, and a cousin of the late Robert, Lord Melville, who seems to have been a man of somewhat fast life, thought himself entitled to a sum of money from the estates respectively of the first and second Lords Melville. It would appear that before the second Lord Melville's death this man had come from England and stayed with him, being kindly received, but his behaviour was so offensive that Lord Melville took a dislike to him, and expressly stated on his deathbed to a mutual friend that he was unworthy of a legacy or any remembrance. George Melville himself, however, did not think so, and he brought a claim against John, Lord Melville, and the other executor of the second Lord Melville, for a very considerable sum. He claimed, first, £1000 as a legacy said to have been left him by the first Lord Melville, but which he alleged was unfairly kept from him; secondly, a sum of 14,000 merks from the executry

¹ Letter, 22d May 1635, vol. ii. of this work, p. 21.

² Abridgment of Retours for Fife, No. 534.

of the first Lord Melville; thirdly, 100,000 merks from the estate of the late Jean Hamilton, Lady Melville, which he declared had been improperly given up; and lastly, a share of the property of the second Lord Melville, who he declared was desirous to provide specially for him, but was deceived by misreports of his character.¹

This large demand was disputed by Lord Melville and his fellow-executor, James Melville of Hallhill, and on its being taken into court, decision was given entirely in their favour. George Melville was compelled to sign an obligation exonerating and discharging the executors of every claim, and he disappeared from the scene for a time, but he will be noticed again at a later period. According to a letter afterwards written by James Melville of Hallhill, one of the executors, to George, Lord Melville, George Melville's claim against them was owing to the influence of Archbishop Spottiswood, then chancellor of Scotland, who had, it is alleged, a grudge against Lord Melville. James Melville also charges the chancellor with doing his best to obstruct the decree given in favour of the executors, and compelling the latter to pay 5000 merks to himself.² It would also seem that this or some other matter connected with the executry at one time caused a breach in the friendship of the two executors, but apparently it was only temporary.³

This disagreeable experience lasted nearly two years, the discharge granted by George Melville of Garvock being dated in March 1637. In July of the same year arose the popular excitement in Scotland as to the service-book and the encroachments of episcopacy. What part Lord Melville took in the movements of the time is not recorded, but as his name is said to be attached to the petition directed to the presbytery of Edinburgh asking them to libel the bishops,⁴ his sympathies were evidently with the popular party. Lord Melville was present in the short parliament of 1639, and also in that of the following year when the estates assembled without a commissioner, but his name does not occur in the rolls of the parliament of 1641, over which the king presided in person.

In the beginning of 1640 Lord Melville joined with other heritors of the

¹ Papers in Melville Charter-chest.

³ Copy Letter, James Melville of Hallhill

² Letter, 31st May 1651, vol. ii. of this work, pp. 233, 234.

to John, Lord Melville, 22d November 1635.

⁴ Gordon's Scots Affairs, vol. i. p. 127.

parish of Monimail in an obligation to pay ten merks in every hundred merks of valued rent, as a contribution towards meeting the expenses "bestowit in the lait trubles."¹ About the same date a list of the heritors in the parish was made up, enumerating their valued rent, the number of their tenants, and the state of their warlike equipments or ability to furnish such. Lord Melville's net rental in the parish is stated at 3900 merks. Nearly all his domestic or household servants were armed with swords, one of them bearing musket and pistols in addition, and most of his tenants had at least a sword, while four of them were willing to provide muskets also. Lord Melville agreed to provide so many muskets and pikes for his tenants in Monimail parish, and also for his men on his property elsewhere.² In March 1643 he resigned the lands of Monimail, Letham, and others, which he had inherited from the late Robert, Lord Melville, and also his own lands of Raith, Torbain, and Pitconmark, and received a crown charter erecting the whole of new into one barony, to be called the lordship of Monimail, in favour of himself in liferent, and his son, George, Master of Melville, in fee.³

John, third Lord Melville, died on 22d May 1643, not long after the above charter was granted. He made a testament on 8th May 1642,⁴ indicating a number of legacies and other sums to be paid and discharged, but this document appears to have been cancelled, and was never confirmed. It was superseded by a later will made on 21st April 1643, which was duly confirmed with the usual inventory of the deceased's effects. By this later will no legacies were bequeathed, but Lord Melville appointed his eldest son, then a minor, as his sole executor, placing him under the guardianship of Sir George Erskine of Invertiel, Mr. Thomas Melville, minister at Kinglassie, and Mr. Robert Murray, minister at Methven. Lord Melville also provided for his other children, John, James, Isabel, Jean, Anna, and Catherine Melville. Archibald, Marquis of Argyll, John, Earl of Lindsay, William, Earl of Dalhousie, Robert, Lord Balfour of Burleigh, and Sir John Wemyss of Bogie were to oversee the tutors, and attend to the interests of the children.

¹ Obligation, dated 28th February 1640, in Melville Charter-chest. . .

² List, etc., in Melville Charter-chest.

³ Copy signature (undated) in Melville Charter-chest; ratified by parliament, and

date given as at Oxford, 18th March 1643. Acts of the Parliaments of Scotland, vol. vi. Part I. p. 250.

⁴ Vol. iii. of this work, pp. 170-172.

Confirmation was granted on 27th May 1644, the debts exceeding the personal estate and assets by £2927.¹

By his wife, Anna Erskine, who survived him for some years, John, third Lord Melville, had three sons and four daughters:—

1. George, Master of Melville, who succeeded his father, and of whom a memoir follows.
2. John, who is named in his father's will and in a bond of provision of same date, which assigns to him a portion of 10,000 merks. He died before 1675 without issue.
3. James Melville of Cassingray. He was provided by his father to a sum of 8000 merks. He married, contract dated 7th December 1672, Anne, daughter of Mr. Alexander Burnett of Carlips. He was still alive in 1693, but appears to have died without issue, as David, third Earl of Leven, his nephew, was retoured his heir-general on 19th August 1714. It is not clear from whom he acquired the lands of Cassingray, but up to about 1600 they belonged to the families of Hay of Errol and of Foodie. The earliest charter of the lands is described as from King William the Lion to Robert, son of Henry. Robert was succeeded by a son, William, whose daughter, Eda, resigned the lands, about 1282, to Richard (or Gilbert) Hay. Gilbert of Cassingray and Laurence of Cassingray are also named about the same period.²
4. Isabel, provided in 1643 to the sum of 6000 merks. She appears to have died young.
5. Jean, also provided to the sum of 6000 merks. She died between 1645 and 1650.
6. Anna, who married Thomas Boyd, younger of Pinkhill. She had issue, and died before 1675. Her portion also was 6000 merks.
7. Catherine, who died unmarried, and was buried at Raith, 18th March 1692. She had the same provision as her sisters.

¹ Confirmed testament in Melville Charter-chest.

² Inventory of Writs of Cassingray, *ibid.*

John Melville of Raith

IX.—GEORGE, FOURTH LORD AND FIRST EARL OF MELVILLE, 1643-1707.

LADY CATHERINE LESLIE (LEVEN), HIS COUNTESS.

George Melville, who apparently received his baptismal name from his maternal grandfather, Sir George Erskine, Lord Invertiel, appears to have been born in the year 1636, as he was aged 71 years at his death in 1707. He was thus only about seven years old when he succeeded to his father in the title and estates. He was placed under the guardianship of Sir George Erskine of Invertiel, and of his uncles, Mr. Thomas Melville and Mr. Robert Murray. In 1644 parliament ratified in his favour the charter granted to his father, erecting the lands of Monimail and Raith into one barony.

Lord Melville does not appear on any of the rolls of parliament until 1661, but in 1651 and 1652 he was the recipient of letters from King Charles the Second. The first of these is in favour of George, now Sir George Melville of Garvock, who had obtained the post of under-master of the household to the king in Scotland.¹ The king, writing from Dunfermline on 6th May 1651, recommended Sir George Melville to the attention of his kinsman, on the plea that Sir George's ability to serve the king properly depended on Lord Melville, who was expected to do "what may be thought iust, fit, and honorable."² This recommendation, however, really meant an application by Sir George Melville for money, and Lord Melville appears to have consulted his friends on the subject, one of whom, James Melville of Hallhill, wrote a long letter by no means complimentary to Sir George, and detailing his behaviour towards the late Lord Melville, to which reference has been made in the previous memoir.³ The immediate cause of this unpleasant epistle was a letter which Sir George wrote to Major-General Sir John Brown of Fordel, one of Lord Melville's friends, defending himself in an indignant tone,⁴ but nothing further has been found regarding the affair.

The other letters from the king are dated in 1652, and appear to be

¹ Appointed 5th July 1650. Acts of the Parliaments of Scotland, vol. vi. Part II. p.605.

² Vol. II. of this work, p. 23.

³ *Ibid.* pp. 232-234.

⁴ Letter, 26th May 1651, in Melville Charter-chest.

circular letters appealing for aid on behalf of the royal necessities.¹ Similar letters were despatched by King Charles at this period to the head of more than one noble family in Scotland.

Lord Melville, perhaps because of his minority, does not appear to have fallen under the ban of the Commonwealth in Scotland, as he is not named in the list of those who were fined by Cromwell. The insurrection organised in the north of Scotland by the Earl of Glencairn and others, did, however, affect the young lord, although he took no part in the movement. Parties from the insurgent forces passed through various parts of Scotland, especially through Fifeshire, and carried off numbers of horses. On the other hand, orders were issued that all horses of a certain value were to be brought into the English garrisons. The English troopers also made expeditions in search of horses, and on one such visit to St. Andrews, on 3d January 1654, they seized the young Lord Melville and Sir John Carstairs, and carried them prisoners to Burntisland. This was done because the captives were assumed to be accessory to the taking away of horses by some of Glencairn's men.² The imprisonment was, however, apparently not of long duration.

In January of the following year, 1655, Lord Melville, then in his nineteenth year, married Lady Catherine Leslie, only daughter of the late Alexander Leslie, Lord Balgonie, and grand-daughter of the famous general, the first Earl of Leven. The wedding took place at Wemyss, the residence of the bride's mother, who had married, as her third husband, David, second Earl of Wemyss, and the bride brought with her a tocher of 25,000 merks.³

During the next few years, although Lord Melville is mentioned on the rolls of the parliament of 1661, and as a member of the committee of the shire of Fife, he does not appear to have taken much part in public affairs, and the chief notices of him relate to his private life. In May 1660 he went to London to welcome King Charles the Second on his restoration, and was, it is said, graciously received, but remained in the metropolis only ten days, returning to Scotland on 12th June 1660. He continued to reside in Scotland, and among other pursuits seems to have engaged in horse-racing.

¹ Vol. ii. of this work, pp. 23, 24.

² Lamont's Diary, 1830, p. 65.

³ *Ibid.* p. 84; Marriage-Contract in Melville Charter-chest.



Miss Laurie - aquat. 1887.

LADY KATHERINE LESLIE
WIFE OF
GEORGE FIRST EARL OF MELVILLE.

That was an amusement in which many of the leading noblemen and gentlemen of the county of Fife took a very active part. Many records of the Cupar races are still extant. At these races in April 1662, Lord Melville entered a mare to contend for a cup to be given by the Earl of Rothes, but he was unsuccessful during the two days of the meeting. In the following year he was more fortunate; his mare won a "silver goblett aboue two pounce weight," and it was said that this was the first mare that had carried the day at Cupar since the races there were instituted in the year 1621. Some days afterwards, however, the mare was beaten at a race at Corstorphine. In the year 1665, at the annual race meeting at Cupar, one of Lord Melville's horses was hurt in a *melée* which arose out of a quarrel and attempted duel between the Earl of Linlithgow and Lord Carnegie.¹

In February 1663 Lord Melville paid another visit to London, the duration of which is not stated, but he may have remained there until after the marriage of the young Anna, Countess of Buccleuch, to the Duke of Monmouth, on 20th April 1663. Through his marriage with Catherine Leslie, Lord Melville became the brother-in-law of the young Countess of Buccleuch, who was a daughter of the same mother by a former marriage. He was appointed one of her curators, and afterwards managed her affairs in Scotland. He was one of the parties to her marriage-contract, and in their later transactions the duchess reposed great confidence in him, and frequently acknowledged the benefit of his advice and counsel. It is unnecessary here to give the details of Lord Melville's management of the Buccleuch estates, which has been fully commented upon in "The Scotts of Buccleuch," but there is evidence that his duties were very ably discharged, and his conduct brought to him commendation not only from the duke and duchess but from King Charles himself. In September 1678 he received a special commission over the Buccleuch estates, probably as the result of a visit to London which he made in the spring of that year. In 1681, however, he appears to have desired to resign his trust, but the duchess persuaded him to retain his charge, which he did until compelled, in 1683, to leave the kingdom.²

¹ Lamont's *Diary*, 1830, pp. 145, 160, 161, 187.

² *The Scotts of Buccleuch*, by Sir William Fraser, K.C.B., vol. i. pp. 409, 412, 436-440.

In 1679 Lord Melville was associated with the Duke of Monmouth when the latter was appointed captain-general of the royal forces in opposition to the covenanters. The story of the affair, as told in a paper written by his great-grandson, David, sixth Earl of Leven and Melville, is to the effect that in that year, on Lord Melville making his usual visit to court, the king asked him what was doing in Scotland. He replied that he was sorry some people there were threatening to rise against his Majesty, but he did not doubt that the Duke of Monmouth would quell them immediately. To this the king assented, saying that he would have sent Melville with the duke, and on Melville offering to be of service, the king gave him permission to go, and sent despatches with him to the duke. The account further states that Lord Melville joined the duke the day before the battle of Bothwell Bridge, and that he was sent over to the covenanters to endeavour to bring them to submit, a mission which he discharged to his utmost power, but without result.

This act of his, however, was called in question at a later date, when accusations were brought against Lord Melville of participation in the Rye-house plot, and it would appear from evidence given before the privy council, probably extorted by torture, that he employed others to communicate with the insurgent forces. Even in the year immediately following, 1680, Lord Melville thought it necessary to procure from the Duke of Monmouth a certificate that his correspondence and communications with the covenanters were made by the duke's direct authority.² Setting aside some doubtful statements made by one of the witnesses, their evidence showed that Lord Melville had been very earnest in urging the covenanters to lay down their arms. He assured them that if they were defeated it would ruin the cause of Presbyterianism, while if they submitted, the duke was willing to grant them favourable terms.³ This offer was so far responded to by the covenanters, but dissensions among them rendered the negotiations futile.

¹ Cf. account as printed in Leven and Melville Papers, Bannatyne Club, p. xiii.

² 10th June 1680. Vol. ii. of this work, p. 27.

³ Evidence. Acts of the Parliaments of

Scotland, vol. viii., App. p. 58. 18th May 1683. It was probably in consequence of this evidence that the Duke of Monmouth, on 10th June 1683, granted a more formal certificate, signed in the presence of witnesses. [Vol. ii. of this work, p. 29.]

The Duke of Monmouth lost his influence at court in September 1679, but Melville appears to have remained in favour, probably because of his important position in charge of the Buccleuch estates, about the disposal of which the king was much interested. He seems to have resided chiefly in Scotland, with occasional visits to London on the duke's business.

Lord Melville was in Scotland in 1683, when orders were given for his arrest on suspicion of connection with the conspiracy known as the Ryehouse plot. The account given by his great-grandson assigns this intended arrest to the year 1680, but this is a mistake, as the alleged discovery of the Ryehouse plot only took place in June 1683. The sole information as to Lord Melville's part in the affair is the evidence given by or extorted from witnesses examined at his trial in absence in 1685, and their testimony is of the slightest. One of the witnesses, Commissary Monro, stated that a meeting was held in London in May 1683, at which Lord Melville was present, but Monro's evidence showed that, so far from this being a conspiracy, those present, of whom he was one, were afraid that the tyrannical measures of the government would cause a rising in Scotland, or, as it is phrased, "that the countrey might run together to save themselves, and so make a present disturbance." It was then resolved that an effort should be made to prevent this, and also to obtain information as to the real condition of affairs. Sir John Cochrane of Ochiltree spoke of money being furnished by the English to enable the Earl of Argyll, then in Holland, to send arms to Scotland, but to this Lord Melville was opposed, being averse to dealing with the English, saying, "we never medled with them bot they ruined us." The first resolution to inquire into affairs in Scotland and hinder any disturbance was then adhered to.¹ Another witness, the Rev. William Carstares, afterwards known as the chief presbyterian adviser of King William the Third, and who was also present at the meeting, said he understood the money referred to was to be used to promote an armed rising in Scotland, but he added that Lord Melville thought everything hazardous, and was not positive in anything, but was most inclined to have the Duke of Monmouth to lead them in Scotland.² It is well known, however, that Mr. Carstares' deposition

¹ Acts of the Parliaments of Scotland, vol. viii., App. p. 34.

² *Ibid.* p. 35.

was elicited by torture, and on the condition that it was not to be used against any person.

On another point also Commissary Monro gave evidence that Lord Melville called him one day from his lodging to wait upon the Duke of Monmouth. The duke being at Lord Russell's house, they paid their visit there. In course of conversation, Lord Russell spoke of sending £10,000 to Argyll to buy arms, at which Lord Melville laughed, and said they might as well send ten pence. He then broke up the discourse, and shortly afterwards left, with a remark that they were unhappy who meddled with these people.¹ This is all the evidence of Lord Melville's connection with Sir John Cochrane, Lord Russell, or any of those who were justly or unjustly accused of plotting against the king. When the proclamations for the arrest of those implicated reached Scotland, Lord Melville was at his residence of Melville House in Fife, wholly unsuspecting of any evil, and had it not been for the good offices of Sir George Mackenzie, afterwards Earl of Cromartie, he would most probably have been taken. As it was, he was enabled to make his escape.

The incidents of this escape have been told at length by Lord Melville's great-grandson in a narrative already quoted from, but as this narrative has been printed, the details may be given more briefly here. Lord Melville had, it is said, sent over one of his attendants, an old and faithful retainer, named Duncan Macarthur, to Edinburgh on private business. He found the city in an unusual stir, and in passing up the Canongate he met Sir George Mackenzie, who at once accosted him with the words, "'You Highland dog' (a name he was in use of giving him), 'how does my lord, what brought you here?' Says Duncan, 'He is very well, he has sent me over about some private business.' Says my lord, 'you had better go home again directly.' 'No, faith,' says Duncan, 'not till my business is done.' 'I say,' says my lord, 'you Highland dog, go home as fast as you can,' and so left him." Macarthur, acting on the hint, hurried back to Leith, where he found a troop of dragoons just embarking for Fife, but could get no clew to their destination. He himself hired a yawl to Kinghorn, and was fortunate enough to meet Lord Melville and his second son, the Earl of Leven, at Balbirnie Bridge, on their way to Wemyss Castle.

¹ Acts of the Parliaments of Scotland, vol. viii. p. 34.

Lord Melville, unconscious of any cause of offence, was not at first alarmed, but was persuaded to go directly to the ferry, until the movements of the dragoons could be ascertained. These arrived at Melville that night with a warrant of arrest, and this intelligence being conveyed to Lord Melville, he and his son took boat to Berwick, whence they travelled with all speed to London. There he endeavoured to gain an audience of the king, but without success. He had, however, an interview with the Duke of York, who received him courteously, and denied all knowledge of a warrant against him. By the duke's interest he obtained an audience of the king, but met with a very cool reception. On his leaving the presence he met a friend, who, surprised at seeing him, exclaimed, "Lord Melville, what are you doing here—do you know there is a warrant out to apprehend you?" Melville replied that he had done nothing to offend the king, and trusted to his Majesty's justice and his own innocence, but that night a messenger came to his lodgings to seize him, and he only escaped arrest by a stratagem of his land-lady's. He changed his residence and his name, but two days later he and his son were arrested by a party of dragoons. Before they were carried off, however, a Mr. Nairn, a page of the Duchess of Monmouth, arrived on the scene, and begged a private interview with the prisoners in name of the duchess. This was granted, when the page told Lord Melville from the duchess that his life was at stake, and that she advised immediate escape. This was effected with the aid of the page, who accompanied the fugitives, and they all reached Wapping safely, and embarked for Holland.¹

The narrative quoted does not give the date of this escape, but it must have been some time about the middle of July 1683, as a proclamation issued on the 28th of that month refers to Lord Melville as being then out of the kingdom.² He attached himself to the court of the Prince of Orange, where he was well received and gained the favour of his Highness. He appears to have remained in Holland until some time after the Prince of Orange sailed for England in November 1688. It has been stated that Lord Melville was one of those who accompanied Monmouth on his ill-fated expedition, but this is not borne out by evidence. He himself stated

¹ Leven and Melville Papers, Bannatyne Club, pp. xiii, xiv, compared with original

ms. in Melville Charter-chest.

² Wodrow, ed. 1722, vol. ii. app. No. 89.

in a vindication of his conduct, written by him in 1703, that he was opposed to both the expeditions by Monmouth and Argyll, and that he took no part in the latter is proved by his interview with James Stewart, who wished him to subscribe towards the expense. The interview is noted at length by Lord Melville himself; here it need only be said that he did, after many objections, grant a bond for £500, but the expedition had sailed before this was done.¹

Argyll's force left Holland on or before 1st May 1685, and was followed a few weeks later by Monmouth's descent upon England. The disastrous fate of this enterprise is well known, but Margaret, Countess of Wemyss, when she writes to Lord Melville's son as to the probable fate of the unhappy duke,² makes no reference to his father, and it may thus be considered certain, in view also of Lord Melville's own testimony, that he was not present. But though this was so, his person and estate were proceeded against as if he had been guilty. In January 1684 he had been summoned to appear before the privy council of Scotland, but on the day named, 8th April, certificates were produced, signed by physicians in Holland, that he was unable to travel. In November of the same year proceedings against him were resumed, and in June 1685, after the rebellion, he was formally declared a rebel by parliament, and his estates were forfeited and annexed to the Crown. His wife, Lady Melville, endeavoured to avert this sentence, by producing the attestation by the Duke of Monmouth relative to the year 1679, but the plea was rejected.³ At a later date, some compromise was effected, by which Lady Melville and her family probably benefited. Lord Tarbat seems to have forwarded in July 1685 a petition by Melville to King James, but no immediate answer is recorded.⁴ Lord Fountainhall records, of date October 1686, that Lord Melville "obtains a pardon for life and fortune, but pays a large sum to the Secretary"—then the Earl of Melfort. In January following King James the Seventh wrote to the lords of the Scottish treasury that he had extended his clemency to Lord Melville, and had granted his forfeited estates to his eldest son, the Master of

¹ Vol. iii. of this work, pp. 184-187.

vol. viii. p. 491, App. pp. 59-65.

² Vol. ii. of this work, pp. 235, 236.

⁴ Letter, Lord Tarbat to Lord Melville,

³ Acts of the Parliaments of Scotland,

7th July 1685, in Melville Charter-chest.

Melville. The king also expressed his intention of acknowledging the services of the family by dissolving the lands from the Crown with a view to restitution; meanwhile new infeftments were to be granted to the Master of Melville.¹ For this favour Melville paid the large composition of £3000 sterling, in addition to £200 of yearly rent.²

Notwithstanding these acts of clemency, Lord Melville continued to reside in Holland, and, as already indicated, did not leave that country until some time after the Prince of Orange. He arrived in England after William and Mary had been proclaimed king and queen, and was at once sent down to Scotland to attend the convention of estates, which was to meet on 14th March 1689. His instructions are dated the 7th of that month, and his name is inserted in the roll of those present on the opening day, but does not occur in the proceedings until 27th March, when he was appointed one of a committee to settle the government. As a result of this committee's labours, and of the reasons they adduced, the estates on 11th April declared the throne to be vacant, and resolved that William and Mary should be king and queen of Scotland, a proclamation being immediately issued to that effect.³

On 25th April 1689 Melville received a letter from King William, in which the king says he is confirmed in the opinion he had long held of Melville's concern for his interest and service. The wish is at the same time expressed that in some things the convention had proceeded otherwise than they had done, but as to this the king does not blame Melville, rather agreeing with the latter that something is reasonably to be sacrificed to gain time, "since no inconveniency is more irreparable than that of delay." It is somewhat difficult to understand from the proceedings in the convention wherein they fell short of the king's wish, but it would appear from a draft in Lord Melville's handwriting that he had prepared an act embodying his instructions, and which may have been seen by the king, though it was either not submitted to the convention, or perhaps was objected to on account of its comprising too many subjects in one act. It not only narrated the past

¹ Vol. ii. of this work, pp. 29, 30.

² *Ibid.* p. 30. Part of this sum was granted to the Viscount of Tarbat, and the other half

to the Earl of Perth.

³ Acts of the Parliaments of Scotland, vol. ix. p. 22.

history of Scotland, but it aimed at declaring the throne vacant, proclaiming William and Mary as king and queen, establishing the church, and uniting the two kingdoms, all in and by one enactment.¹ Although these measures could not thus be dealt with, steps were taken to forward some of them, but the confused state of parties prevented concerted action. The king in his letter specially desired Lord Melville's attendance at court as his adviser, and also his opinion in writing as to what further should be done in the convention.²

The convention on 29th April adjourned for a few weeks, and Melville at once obeyed the king's command to come to court. He was present on the 11th of May, when the crown of Scotland was offered to and accepted by the king and queen. The Earl of Argyll, Sir James Montgomerie of Skelmorlie, and Sir John Dalrymple, were commissioned by the convention to present the offer of the crown with the conditions attached to it, and to hear the new monarchs take the oath. It was afterwards made the subject of dispute whether the instructions given by the convention had been accurately carried out, and insinuations were made against Sir John Dalrymple that he had betrayed the liberties of his country. In a letter from the Earl of Argyll to the Duke of Hamilton, giving, on behalf of himself and Sir James Montgomerie, a private account of what was done, the earl writes in a somewhat querulous tone about the Dalrymples, and places Lord Melville in the same category. He says, "When we [the commissioners] parted [from Edinburgh], the father and son [Sir John Dalrymple and his father, Sir James] were thought hard enough matches for us without ther being reinforced by Lord Melvin, and yet we should have made our partie good enough against them if we had had that assistance from you in relation to Melvin that you were obliged to have given us, both upon your own account and to vindicat that publickt affront he had thrown upon the estates by his coming away without libertie." In another place the earl writes, "They struggled hard to defeat the grivances by proposing they should not be read till after the king had taken the oath, notwithstanding we were instructed to the contrarie, but they failed in it."³ It is evident from this letter that the writer was jealous of Melville's

¹ Draft Act in Melville Charter-chest.

² Leven and Melville Papers, p. 15.

³ Historical MSS. Commission Report on Hamilton Papers, p. 182.

influence with the king, and he was probably unaware of the king's command that Melville should come to court.

One of King William's first acts, after receiving the crown of Scotland, was to appoint Lord Melville sole secretary of state for that country. This appointment was made on the 13th May 1689. The letter already cited from Argyll and Montgomerie, which is dated on the previous day, 12th May, suggests that Duke Hamilton should write to the king to make exact inquiry after persons and things before he fill the great offices, especially the secretaries' places, as all places will shortly be filled "by those persons' directions."¹ But the king's promptitude apparently disappointed this plan. Melville received many congratulatory letters on his accession to office, but it also gave rise to many ill-natured remarks, the composition of the new privy council being specially objected to. Melville was accused of complicity with the Dalrymples, of introducing the "country's old oppressors" to the council. On the other hand, he was declared to be "a good and sober man," and his nominations were accepted as being as good as any possible in the circumstances. So at least ran the current comments, but such need not here be enlarged upon. Lord Melville had a very difficult task to perform, and that he felt it to be so is evident from his more confidential letters. Thus, writing to Sir Patrick Hume of Polwarth, he says: "It hath indeed been my misfortune to be mistaken when I have been, according to my knowledge, acting with the greatest sinceritie for my countre and the publick interest; but I am hopefull, as it has hitherto been my endeavour, so it shall for the future be my care so to manage myselfe, through divine assistance, that my actions, upon strictest search, may be lyable to no just blame." He points out to Sir Patrick that mistaken measures, even of such persons as are desirous for the public good, give a bad impression of affairs, and that even Sir Patrick himself was unconsciously promoting what he most wished to avoid. He defends his own appointment as sole secretary, not only because it was the king's wish, but because the king himself understood and looked narrowly into affairs. He concludes by repeating that it is his desire rightly, by the help of God, to discharge the duties of his office.²

¹ Historical MSS. Commission Report on Hamilton Papers, p. 183.

² Leven and Melville Papers, pp. 55-57, 13th June 1689.

In such a spirit did Melville take up the duties of his new office, but he was not well supported even by those who shared his views. The convention had been turned into a parliament, which met on 5th June 1689, under the Duke of Hamilton as high commissioner, but it had scarcely begun its sittings before it came into collision with the Crown, a position which it more or less maintained during its existence. The points on which the opposition insisted were—(1) the abolition of the committee of parliament known as the lords of articles, it being contended that fixed committees were a grievance; (2) the question of the appointment by the Crown or by parliament of the judges of the court of session; and (3) an act for incapacitating from office all those who had served under the late government—a measure specially directed against the Dalrymples. On these matters dissension ran high, and no efforts of the king or Melville could allay the excitement or conciliate the opposition. The latter did not hesitate to make charges against the secretary, but, as will be shown, he was really believed to be honest in his intentions, and incorruptible in his fidelity to the government.

In consequence of these proceedings, the parliament of 1689 was hastily adjourned on 2d August, after a sitting of two months, during which practically nothing was done. It is unnecessary to detail its proceedings, or their reference to Lord Melville, as we have few or no evidences of his direct interference, though he was the king's principal adviser, and received direct intelligence of all that took place. But his own opinion may be quoted from a letter, one of the few of his known to be extant at this period, written to the Earl of Crawford on 30th July 1689, after the order for adjournment had been issued. Lord Crawford was president of the parliament, and a staunch supporter of Lord Melville, who thus writes:—"I am much troubled with the relation you give me of affaires with yow. I am very sensible of the difficult task yow have; I pray God direct both yow and me. Things seeme to have a very bad prospect; I know not well what to writ or what to advice yow." He refers to the intended adjournment, and continues:—"As for the settlement of church government"—a matter constantly pressed upon the parliament, and as often put aside—"I see so many difficulties in it as things presently stands, what from one party and another, that I cannot see through it, nor do I know whither it be better it ly over a while."

Lord Melville then proceeds to advise the clergy: "I wish the ministers and others truly concerned for ther interest, may be at one among themselves, and may be very sober, and not give those who may be watching for their halting advantage. Ther are abundance to misrepresent them and there way. Men most take what they can have in a cleanly way, when they cannot have all they would. I wish they may understand and distinguish weell betuixt their friends and others. I know not well whither to advyse if they should send up on or tuo of ther number. If men were more free of humour and jealousy, and a fit person or persons could be fallen one, it would seeme not amiss, but whom you or I might thinke proper on severall accounts may not be so, either for a court or conversing with other here, and for a thing to be done and not to purpose, especially when expensive, does not import much; however, I should thinke it wer not amiss that they should be at pains to draw up somewhat for removing the aspersions cast on them and their way, and show what are ther principles and demands, and the soberer the better, and what they think expedients in this conjuncture to be proposed. They have Mr. Adair here, who might communicate to others, both of English and Scots, of ther own persuasion, and take ther advice and assistance. I am affraid our divisions and managment may do great hurt to the publick setlment, and may endanger the bringing that on or about which men seemes to fear, for it's scarce to be imagined that some men's way and procedure, if as related, can be acceptable." Lord Melville concludes by asking information as to particular persons.¹

A further exposition of Lord Melville's views, as to his own policy at this date, occurs in a paper addressed by him to the king about 1691, in vindication of his administration, a paper which was revised and annotated by Mr. Carstairs, who therefore doubtless approved of it. Lord Melville begins by stating that it was duty and zeal for the king's service rather than any interest of his own that prompted him to be concerned in public affairs. He thanks the king for his generosity, and adds: "I cannot boast of merit in serving of your Majesty, while all that I could or can doe cannot but come short of what I and all true Protestants of these kingdoms doe owe to him who under God did deliver us from greatest misery." In regard to the con-

¹ Leven and Melville Papers, pp. 210, 211.

vention, Lord Melville claims to have successfully carried through the king's instructions, and securing a speedy settlement of the government without limitations which might disagreeably affect the king, and without diminishing the power of the Crown. Of the period now under consideration Lord Melville says: "When I had the honour to be sole secretarrie of state to your Majesty for your ancient kingdom all my advices and actings were, according to my capacity, regulated with a respect, not so much to the gratefeing of the humor of any party, as the laying of such foundations as might give no just ground of complaint to any, but might make all sensible that in a hearty submission to your Majesty's government they might expect your protection." He states that he, to that end, nominated such persons in the several judicatories of the nation as seemed to be for the king's true interest, both in England and Scotland; and this, he adds, "will sufficiently appear, if it be considered that by doeing thus I was exposed to the displeasure of not a few of my own persuasion, and did the rather lessen than advance my interest in the kingdom, many of those I then named being persons in whom I had no particular concern, and from whom I have had litle proof either of gratitude or kindenes, having alwise resolved that integrity in your service and your Majesty's favour should be my only support."¹

Shortly before the adjournment of the parliament, Melville received the news of Mackay's defeat at Killiecrankie, the details of which were at first confused and exaggerated. It was believed that the greater part of Mackay's officers were killed, and it was expected that Dundee would become master of a great part of the north of Scotland, and perhaps gain possession of Stirling Castle. Strong appeals were made for the aid of troops from England. General Mackay in his memoirs charges both King William and Melville with indifference to the military interests of Scotland and with turning a deaf ear to his advice. But there was no want of promptitude in responding to the appeal of the Scottish authorities. The battle of Killiecrankie was fought on 27th July, on the 28th the Duke of Hamilton wrote to Melville, and on the 1st of August orders were issued for the march of troops towards Scotland.² Meanwhile, however, more correct intelligence as to Mackay's position, and the news of Dundee's death, had reached Edinburgh, and the excitement was

¹ Vol. iii. of this work, pp. 219, 220.

² Vol. ii. of this work, pp. 140, 141.

somewhat allayed, the fate of Dundee being looked upon almost as a victory for the government.

On this being communicated to Melville, the march of troops from the south was countermanded, as even Hamilton thought the forces in Scotland were sufficient to repress the rebellion, and a little later the Earl of Crawford wrote stating that there were more troops in Scotland than the country could support without free quartering, which he deprecated.¹ On the 8th of August Lord Melville wrote to General Mackay congratulating him upon his safety after Killiecrankie, and his success in a later skirmish, and trusting he would be a happy and eminent instrument for settling the country. He suggests that Mackay should send up Lord Leven, "for its not unneedful to have things pressed a little by one that is concerned; and if you shall judge it proper to do so, you would write very particularly and show how necessary money is on many accounts, for some considerable sum timously bestowed might go a great way in settling things, save much blood, the fatiguing of the forces, harassing the country and also much expense to the long run; for our nation is at present, not only in a very low and poor, but in a very unsettled condition on many accounts." This sentence refers to Melville's views about the pacification of the Highlands, which he believed might be brought about by privately buying the chiefs, and thus diverting their allegiance from King James.

On this point, after stating that the king had ordered a proclamation of indemnity to those rebels who should lay down arms, acknowledge the government and promise to live peaceably, Melville continues, "But I doubt [if] this will prove very effectual unless they be very weak and out of hopes of assistance from Ireland; for you know there are many private reasons besides the late King James's interest that foment this quarrell; so that I am still of the opinion that transactions with some of the chief of them to break them among themselves would be the safest and best way. You know this was my opinion before I came from Scotland; but money was wanting, and likewise you may perceive there has been more in this business than many then thought, though I was suspicious at that time, and am yet a little, of some who have not yet publicly discovered themselves." Lord

¹ Letter, 19th October 1689, in Melville Charter-chest.

Melville states that the king consents to bestow money on the scheme, which he again recommends as saving trouble and fatigue to the troops.

This was not a new scheme on Lord Melville's part. So early as April of this year the king had written to him, in answer to his expressed opinion, that if he thought Lord Tarbat could be serviceable in quieting the north, he should encourage him going there. The king adds, that a distribution of money among the Highlanders being thought the most likely way to satisfy them, he had given orders for five or six thousand pounds to be sent to Major General Mackay for that purpose. It does not appear that this money was sent immediately; but shortly after the date of the king's letter, General Mackay wrote to Lord Tarbat, in answer to the latter's fear of being misrepresented to the king, that he had written assuring his Majesty of Tarbat's zeal and desire to see the government established in the king's person. Mackay writes that in this the king "cannot doe better than hold himself to the testimony of my Lord Melvill, who is so attached to his Majestie's service and the interest of the Protestant religion, that he would not recommend his son if he thought him capable to act against those principles," adding, "I did commit to your direction and prudence the management of the difference betwixt the Highland clans and Argile, who was the first mover of it. I pray you then, my lord, loose no tyme to gain Locheyl, assuring him from me of the king's favour and consideration if he shew himself active in breaking the Highland combination."¹ The negotiations, however, if they were ever begun, certainly failed at that time, no doubt, as Lord Melville states, owing to the conflicting interests at work, but he seems to have still cherished the hope of settling the country in that way. The "suspicions" of which he speaks probably related to Lord Breadalbane.

In September 1689 the party who had been in opposition to the government measures in the parliament lately adjourned prepared a representation or petition to the king, which was signed by several noblemen and a number of commissioners for shires and burghs. In this they complained bitterly of the government policy, and commented on the acts which had been voted by the estates but had not been ratified by the crown. The petitioners defended these acts, and while protesting the utmost loyalty alleged various reasons

¹ The Earls of Cromartie, by Sir William Fraser, K.C.B., vol. i. pp. 61, 62.

for their opposition.¹ It may be to the movement for this petition that Lord Crawford refers in a letter to Lord Melville in August 1689: "I am much perplexed that I find a storme arising against you, by persons pretendedly your friends, and who have little power except what they have under your wings. I would have spared this warning to you, but that some of your relations, by smooth words, are imposed upon to have other thoughts of such. Yet I am certain that treachery is design'd, and a combination with your enemies entered into, which may be fatal, if you be not on your guard; and the countrie shall be ruined by those persons being in the government, who are yet to begin to lean to King William's interest as they shall find it their advantage or not. . . . Examine this information with your first possible conveniency, and delay not till matters are past cure, and your credit at court be undermined."²

The Earl of Annandale, Lord Ross, and Sir James Montgomerie of Skellmorlie, were three of the chief promoters of the petition.³ They hastened to London to press the matter before the king in person. One point on which they were anxious was the appointment of the judges of the court of session. The estates had voted that the judges should be appointed by parliament, whereas the king claimed the right of nomination for the crown, but the petitioners opposed this and hoped to gain acceptance to their views. An unpublished letter from David (afterwards Sir David) Nairn to the Earl of Leven gives some account of their proceedings, and may be quoted:—

"Your lordship may remember before I went to Newmarket I told you what progress was made by the three, viz., Annandale, Ross, and Skellmorlie. They came all to Newmarket on Munday the 14th, accompanied with Mr. Johnstone, their stout agent amongst the English. When they came to Court there they went into the bed-chamber, as others; it is said that Annandale desired to speak with his Majesty, which was refused. This they took as I could wish; but, indeed, it might have hapned to any who had not pressing business,

¹ Paper printed, vol. iii. of this work, pp. 209-212, the date being there inadvertently given as September 1690, though it was presented a year earlier.

² Leven and Melville Papers, p. 260, 20th August 1689.

³ It has been said that Sir Patrick Hume of Polwarth presented the petition, but we learn from Forbes of Culloden that though he was brought from a sick-bed to do it, Annandale made the actual presentation.

for excepting such the king shun'd all; however, their constant caire was to ply Portland, who I doe confess to your lordship I look upon to be too much their freind, tho' others who knows better asurs me of the contrarie, and says he only smoths them to have them quiet, but that I thinke is not the way. In short, the main point they sollicit soe hard for at Newmarket was to delay the nameing of the judges. One that hard the conference one day told me that they told Portland that they hard it was to be done immediately; this was on Wedensday the 9th, and Portland answered, Doe not truble yourselves, it will not be done, and immediatly he went to the king, where my lord secretarie (Melville) was with the list ready, and it was not done."

The writer continues—

"Now since they [Annandale, etc.] came from Newmarket, they have been working to get their adress presented, and they are given to understand that the king will heare when they will. They talked of doeing it yesterday morning, then it was put off till the afternoon, then till this morning, but it was five at night when I came from thence, and it was not done. It's said that they can not agree who shall present it; the king has heard all of them, and they have noe reason to bragg of kinde entertainment. The whole clubb is now shatering; none waits on my lord secretarie more assiduously then Colloden, Pitliver, Rikertone, and others, and more wold, but my lord does not incuradge, by which you may see he thinks himselfe in noe danger. My lord advocate, Arbruchell, and some others of my lord's freinds within these few days have been frequently with Portland, and they are of oppinion that he is extremely fixed. The Bishop of Salsburry [Burnet] I hear is come to town this day, and our parliament sits on Saturday; he and Mr. Johnston are busie men, and wee have some here that taks fire with litle sparks, and if they joyne with ours they may be trublesome, tho' they will not better themselves. The nomination of the lords [of Session] is yet put off till Friday, which is hard enough, and in the mean time all industry is using with Enstruther and some others here, not [to] accept, and I question not but many letters will be write on that subject this night. It is not thought needfull to be very earnest with Rankillor; the maister [of Melville] knows him better than I can tell him."¹

A few days later the king and Melville nominated the judges of session, who, after the usual formalities, took their seats without disturbance,

¹ Letter, dated 15th October 1689, in Melville Charter-chest. Sir William Anstruther of that Ilk and Archibald Hope of Rankeillor were two of the intended lords of Session.

although the opposition party, or "club," as they were called, did endeavour to raise difficulties. Another matter, however, and one in which Lord Melville took a deep interest, engaged more attention. This was the settling of church-government, as to which Melville wrote to the ministers that the king had instructed his commissioner (Hamilton) to secure it without any limitation but what might be most acceptable to his people, and was so anxious to satisfy Scotland on the point that he had repeated his instructions. These had been neglected by Parliament, but Melville assured the ministers that the king continued still in the same mind. At a later date the ministers acknowledged that Lord Melville had materially aided their cause.¹ The Earl of Crawford, a staunch presbyterian, writes in reference to the same subject of Melville's "eminent zeal for building the house of God," which he is convinced his lordship will never regret, whatever enemies it may have stirred up against him. "Allow me, my lord, to say of your lordship's late defeating the designs of the Bishop of Salisbury, and others of that way for reponing the conform ministers, as the people said of Jonathan, that you wrought with God that day, and brought about a great salvation to his church; for that course had certainly, at least for a time effectually, embroyll'd the nation and ruined the presbyterian interest, whereas that partie deserves not common pitie if they will not venture to the outmost for your lordship, who hath pawnded your all, of a worldly concern, in your bold appearing for them at such a criticall juncture."²

A promise, which is first mentioned in Sir David Nairn's letter, that King William would in person come to Scotland, gave great joy to many; in the hope that his presence would give some settlement to the party divisions in the kingdom, but the promise was not fulfilled. Affairs in Ireland required the king's serious attention, and he at last resolved that the Scottish parliament should be held as before under a commissioner. The Duke of Hamilton was, as a matter of courtesy, first named, but he refused to accept, and Lord Melville was then formally appointed. He was privately very unwilling to take the position thus conferred upon him, but he was trusted by the king, and he believed he could not refuse without hazarding the king's affairs. At the same time he fully realised the difficulties in his

¹ Leven and Melville Papers, pp. 312, 329.

² 23d November 1689; *ibid.* p. 330.

way, as appears from statements by himself. One of his difficulties was indicated by Lord Crawford in December 1689, who quoted a report to the effect that Annandale, Ross, and Skelmorlie, whose designs had hitherto failed, were yet "hopefull to hough Melvill and defeat all his presbiterian projects."¹

This danger took an aggravated form at a later date; but when Lord Crawford wrote there was no expectation that Lord Melville would be commissioner, and it was only his general policy which was aimed at. But in the end of February 1690 the king had decided on his course, and issued his instructions to Melville. These instructions, according to a paper written by Duncan Forbes of Culloden, father of the famous President Forbes, were based upon, and gave effect to, certain proposals made by Sir Patrick Hume of Polwarth and himself when in London. They were active members of the "club," or country party, and appear to have had interviews both with the king and Melville, who desired them to use their influence with their party, which had hitherto been in opposition, to promote the plans of the government. But to assume that the views of the king and Melville, however they may have been modified by the representations of Hume and Culloden, were based upon these, is not warranted by the facts. Both Melville and his master were men of moderation, and had the good of the country at heart. They were willing to deal with men of all parties for that end, and the instructions issued to Melville in February 1690 will be found to be nearly identical with those issued in May 1689 to the Duke of Hamilton, but which were in a great measure frustrated by the opposition.² Melville indeed had special and probably private instructions from the king to deal with any members of a party to gain their co-operation, and in this capacity he dealt with Hume and Forbes, who were evidently satisfied with the government proposals and agreed to further them.

Hume and Forbes left London in the beginning of February, and on their arrival in Edinburgh at once set to work to gain their party.³ So at least they wrote to the king and Lord Melville, and though they found unex-

¹ Leven and Melville Papers, p. 357.

liaments of Scotland, vol. ix. App. pp. 125, 126.

² *Ibid.* pp. 414, 415; cf. Acts of the Par-

³ Leven and Melville Papers, pp. 402, 403.

pected difficulties in their way, events show that in some measure they effected their purpose. Melville himself followed about a month later, but owing to the king's objection to the English and Scottish parliaments sitting simultaneously, the latter was more than once adjourned. As this gave rise to discontent, the king at last authorised Melville to open the session on 15th April, which was done. A few days before, the king had promoted the commissioner to the dignity of earl, for his great and faithful services, his firm adherence to the reformed religion, his constant fidelity to the royal family, and especially his good offices in regard to the king's accession.¹

The earl in opening the session of parliament made a speech in which he struck the key-note of his own and the king's policy. He explained the cause of the king's absence in spite of his real desire to be present, and assured the house of his Majesty's intention to visit Scotland, adding that the king would no longer delay their meeting for giving such a settlement to the nation as would secure its religion and true liberty. The earl then dwelt on what the king had done for the nation, and touching lightly on past disputes, said, "He refuseth nothing that can be justly demanded; his uncontroverted rights are only valued by him as they are useful for your good and security." He then stated that he was commanded to tell them that the king was resolved to live and die in the sincere profession of the true Protestant religion, and was about to expose his person in its defence; and was also willing to concur with them for the settlement of church and state upon such solid foundations that they need not again fear a relapse into former evils. After enumerating a few measures which were proposed, and beseeching the parliament to behave with zeal for the good of the country and the king's honour, and to lay aside animosities, the earl added, "I hope you will not take it ill that I mind you of that useful precept of the apostle, Let your moderation be known unto all men. For the unfriends of our nation have taken occasion to reproach us more for the vehemence of our temper than any thing else." He concluded with expressing the high honour the king had done him, and that he had no design before him but the public good; while he hoped his deportment and sufferings in the past would secure

¹ Vol. iii. of this work, pp. 205-207.

him from all suspicion of being a promoter of arbitrary power of which the king had no design.¹

Moderation was the principle which Melville not only inculcated, but acted upon. He controlled the debates in the house, cutting them short when they threatened to impede business, and dismissing the subject when they were frivolous, and he succeeded in passing important acts which had not been ratified in the previous session. He also induced the House to pass a modified form of the act abolishing the lords of articles, and providing committees appointed by the whole estates—a question which had caused much bitterness. On 7th June 1690 the act for settling church government in Scotland was passed, which ratified the Westminster Confession of Faith and established presbytery. At a later date an act abolishing patronages was passed, and on the same day another, which not only completed the abolition of prelacy, but, by rescinding all acts enjoining civil penalties upon sentences of excommunication, prevented all intolerant severities which might have arisen had the powers of the prelates been transferred to the new ecclesiastical establishment.²

It is probable that this last-named act passed almost unnoticed by the presbyterian clergy, but they were deeply grateful to Melville, as well as to the king, for the favour shown to them, and the earl's administration appears to have given general satisfaction. On 18th September 1690 a letter from the Scottish council to the king, largely signed even by those who in the former session had been in opposition, gives this testimony:—"Your Majesties commissioner, the Earl of Melvill, hath manadged that great trust reposed in him with much dexteritie and dilligence. Ther was never greater freedom in parliament or councill in ther reasonings and resolutiones, and yett without giveing offence or irritation to any. He hath brought matters calmely to a good issue, and wee hope the settlements made shall be manadged in the course of the government with such moderatione that your reigne shall be comfortable to your subjects, and without trouble to your Majestie."³

A week or two later, a representative body of ministers wrote in similar terms to the king, thanking him for, *inter alia*, the establishment of Pres-

¹ Acts of the Parliaments of Scotland, vol. ix. App. p. 38.

² *Ibid.* vol. ix. pp. 111, 133, 196, 198.

³ Leven and Melville Papers, p. 531.

byterianism by the ministry of the Earl of Melville, "to whose wise and steddie conduct, and faithfull and diligent management," they chiefly ascribe their "happy settlement."¹

This result, however, was brought about under great difficulties. Sir John Dalrymple, in his "Memoirs of Great Britain and Ireland," says that Lord Melville as commissioner, and Lord Stair, president of the court of session, alarmed by junction of the country and Jacobite parties, hastened to get every bill passed which was likely to please the people, even though at the expense of the Crown, while the Master of Stair induced the country party to separate from the Jacobites, and they broke away from Montgomerie, Ross, and Annandale.² This statement is not inconsistent with Melville's own account of the matter, but it does not cover the whole ground, nor reveal all the perplexities which beset Melville in his post as commissioner. As already indicated, the country party had been partly gained ere Melville was formally appointed, while the Jacobite tendencies of Ross and the others were not clearly known until a month after parliament began its work, or even later. These hindrances to progress were, therefore, less formidable than might otherwise have been the case.

Before commenting on the plot which was associated with the names of Montgomerie and his accomplices, and which was meant to wreck both the government and the nation, Melville's own statement of his position, as given in a letter to an unknown correspondent, probably Monsieur d'Alonne, the queen's secretary, may here be quoted. He begins by stating his unwillingness, except for the king's service, to undertake the work:—"I did forsee the dangers of such a station thogh in a more settled tyme, and the difficulties I was like to meet with.³ . . . I am farr from thinking either the difficulties or danger over, thogh this may be thought malancholy, for this nation is in a strange unsettled condition, more than can be weell apprehended by those at a distance." The earl then refers at some length to the plot, and certain discoveries and information regarding it, and continues:—"I know I may be

¹ Leven and Melville Papers, p. 534.

² Dalrymple's Memoirs, vol. i. p. 127.

³ At this point the earl expresses thankfulness that, even before he undertook the office,

he had been aided "better nor I or any other could rationally propose, or many did think," evidently in allusion to the agreement with Hume and Forbes, and their party.

blamed that I have not don more to crush this design sooner, and to secure persons concerned, but I can sufficientlie justifie myself, and I am unwilling to lay the blame elsewhere. . . . I have had possibly the difficultest ghame to play since I left you that ever a subject in Brittain had these hnndreds of years, a strong combination of many severall interests on the one side, many both great, active, and dilligent men amongst them, and a weake, disapointed, and abused people on the other; an army without pay and many of them very ill appointed; many both insnfficient and scarce to be trusted officers and ready to mutiny; the country like to doe the same, partly through the oppression of the souldiers, and partly through other discontents, and the jealousies cunning and malicious men have made their work to raise in them; a general who would follow no counsell, who has no comprehension of affairs, and with whom I could not use that freedom was necessary upon such an exigent, though he be a very honest man himselfe, because he is influenced and easily abused by others, and enteted with what he once takes a resolution of; no money in the exchequer to defray any necessary expense." Lord Melville here refers to the ill-paid and starving condition of particular regiments, and adds: "So you may easily judge how hard a taske I have, then an open enemy in armes wasting the country, and abundance of secrett ones in our bosomes, which I fear is much more."

Such, at least in Melville's view, were the difficulties of his position, but he met them with fortitude, and by his steady loyalty and cautious but firm statesmanship guided matters to a snccessful issue, and as will be seen, won praise even from his opponents. The principal of these, since Hume and Forbes had been won over, were the Earl of Annandale, Lord Ross, and Sir James Montgomerie of Skelmorlie. Montgomerie had hoped to be appointed secretary of state, while Lord Ross desired the office of president of session. They had joined with the opposition in the first session of parliament, and Montgomerie at least bore the character of a very strict presbyterian. As already stated, they had endeavoured to present a petition to King William, but this gave offence, and they lost the king's favour. Seeing this, Sir James Montgomerie, whose plans were already formed, proposed offering their services to the exiled King James. This was done by correspondence, bnt the conspirators, believing their party, that is, the party in

opposition, to be the majority in the Scottish parliament, hoped to achieve their end by constitutional means, by forcing King William to dissolve parliament, expecting that when a new one was summoned they would obtain a majority favourable to the return of King James.

Such were their intentions, and on returning to Scotland they put their schemes into operation. Pretending still to belong to the country party, who only objected to certain measures, they yet joined with the Jacobites in their policy of obstruction. Every endeavour was made to induce the Jacobites to take the oaths, so that from their numbers on the one hand, and on the other a pretended zeal for the liberty of the subject, which gained many of the country party, the conspirators had great hopes of success. But by their own admission their plans were wholly frustrated, chiefly by the influence of the Earl of Melville. Sir James Montgomerie, who was the originator of the plot and a shrewd observer, reported to King James in 1693 on the state of political parties, and thus referred to Melville. "For myself I did indeed attribute all that was called his [Melville's] witt to his warrienes and timorous disposition till his carriage in parliament 1690, tho both I and others took wayes both at that time and before to affright him, besides our endeavours to make things heavie to him, yet all would not doe, and [he] became successfull beyond expectation. But much of this might proceed from good luck more than good guyding, tho it must be acknowledged he managed with more closenes, steadienes, and firmnes then we did imagine, and was luckie in his discoveries, which broak all measures."¹ This, in a paper which was specially written to depreciate Melville's statesmanship, is high praise, and we have from another conspirator testimony to the same effect. The Earl of Annandale stated in his confession that they were speedily disappointed of their success, for the parliament had sat only a few days, when they plainly saw that the "dissenters" or opposition country party had got "such a confidance in the Earle of Melvill's sinceritie, both for the interest of the king and libertie of the people, and seeing us openly apeir with thos they concluded Jacobits they left us almost in evrie vott, so that the Jacobits fynding that grat inconveniances might aryse to them from so publick ane apeirance against the interest of the king and settelment of the

¹ Vol. iii. of this work, pp. 229, 230.

nation, they told us plainlie they wold leave us, and concur in the monay bill, which was the chiff thing that from the begining we wer all resolved to oppose. Thus the mesur of getting the parliament dissolved being brook, we brook amongst ourselves, and evrie on looked to ther own saiftie.”¹

This they did by each conspirator doing his best to betray the others, or at least to make terms for himself from the very man whose administration they had plotted to frustrate. The act granting supply was passed on 7th June 1690, but the intended desertion of the Jacobite party must have been known to the conspirators some time previously, as on 30th May an anonymous letter was addressed to Melville giving a brief account of the origin of the plot, and also of a scheme for King James landing in Scotland and England with a considerable force, and a reserve of money and arms. The names of the chief conspirators were given, and those whom they had tried to gain, and also of those who were believed incorruptible, among whom was Melville himself. Sir James Montgomerie has been accused of thus seeking safety at the expense of his colleagues, but it is doubtful if he were the original revealer of the plot. Lord Melville does not appear to have acted at once upon the information furnished to him, but on 23d June he wrote to Queen Mary, the king being in Ireland, referring to the bearer of the letter, probably Lord Ross, as one who was willing to make disclosures on certain conditions. It is unnecessary to follow the history of the affair at this point, as the scene of action was transferred to London. Suffice it to say that Ross, Annandale, and Montgomerie were each examined by Queen Mary in person or by her order, and each made a statement more or less incriminating, though no one was tried for the affair. Mr. Carstares and Lord Melville had promised indemnity to two of the conspirators, Ross and Montgomerie, hoping that by their confessions the plot in all its ramifications might be fully disclosed. Melville was afterwards strongly censured by Sir William Lockhart, then solicitor-general, for, as the latter alleged, taking Sir James Montgomerie into his friendship or reconciling him to the king's favour, but the earl had already explained the reason of his dealings with Sir James to the queen herself, and showed her that he had authority from the king for what he did. Sir James, however, seems to have tried to play Melville

¹ Leven and Melville Papers, p. 508 ; cf. Dalrymple's *Memoirs*, vol. iii. App. ii. p. 101, etc.

false, and the pardon which had been offered to him was withdrawn, while he narrowly escaped imprisonment in the Tower by a flight to the Continent.¹

One other incident of the earl's career as commissioner may be noticed, as it led to tragical consequences, although for these he was in no way responsible. Reference has already been made to Lord Melville's opinion about the Highlands and their pacification, and to the efforts to that end proposed to be made through Viscount Tarbat and General Mackay. These appear to have failed, and on 20th March 1690, after Melville's appointment, King William wrote him that it would be necessary to endeavour to gain Lord Breadalbane, and if possible detach him from the party of the rebels; for which service his Majesty offered a considerable sum. In pursuance of this Melville granted a warrant to the Earl of Breadalbane empowering him to treat and correspond with the Highland chiefs with the view of their submission and obedience to the government.² This warrant was dated 24th April, and was to remain in force only until the 20th of May. If any negotiations took place at this time they were not successful, but Breadalbane's position led to his being appointed in the following year, when Sir John Dalrymple was secretary, and one result was the massacre of Glencoe.

In regard to Breadalbane's negotiations, Lord Melville, in his own vindication addressed to the king, expresses himself to the effect that though it was thought proper to gain if possible by money some of the chief Highlanders, and that it was the king's interest to have as many of the Highland superiorities in his own hand as could fairly be purchased without doing violence to any particular person, yet, the earl adds, "I must take the boldness also to say that I did and doe think that the obligeing of the heads of the clanns to give good security for the peaceable behaviour of their dependants would have been a surer foundation of peace amongst men who can be tied by no faith, and this was that the law did allow. I doe not see, indeed, any great prejudice to the publick interest by Broadalbans articles in so fare as they relate to particular persons, nor doe I take upon me to condemn the granting of an indemnity to the Highlanders for their rebellion against your Majesty's government; but I durst never have advised the freeing of them from all obligation to make satisfaction for the depredations and robberies

¹ Leven and Melville Papers, pp. 480, 482, 499, 515, 520.

² *Ibid.* pp. 421, 429.

comitted by them against your Majesty's best subjects, this being the thing which is grievous to your Majesty's faithful servants." The earl adds, "As for the affronts which some did putt upon me in the management of that and other businesses, tho I could not but be sensible of them, yet respect to your Majesty's service did make me burie in silence my resentments, though I regrated more upon a nationall account than my own."¹

Two acts passed by the parliament of 1690 were in favour of the Earl of Melville himself—the first rescinding the forfeiture of his estates, and the second formally dissolving the estates from the crown, to be enjoyed by himself and his heirs.² The second act was passed on 22d July, the last day of the session, and the parliament was adjourned to 3d September, when it again met for a short session under Lord Melville as commissioner. He remained in Scotland during the interval between the sessions, his time being chiefly devoted to correspondence about the Montgomerie plot and in dealing with the Highlands. When the third session of parliament closed, Melville returned to London, where he arrived on the 7th of October 1690.

A few days later he wrote to the Earl of Crawford, like himself a devoted presbyterian, about the arrangements for the first general assembly of the re-established Church of Scotland, which had been appointed to meet on 16th October. He forwarded a commission in favour of Lord Carmichael as the royal representative, and a letter from the king to the assembly. Melville was very anxious that the labours of the assembly should be agreeable to the king and honourable to the church. He expressed a wish that the meeting had been deferred for six months, and regretted the dangers threatening presbyterianism from misrepresentation and other causes. "There is nothing now," he says, "but the greatest sobrietie and moderation imaginable to be used, unless men will hazard the overturning of all, and take this as earnest and not as imaginations and fears only; and it would be my opinion that this ensuing assembly should medle with nothing at this time, but what is verie clear will give no occasion of division amongst themselves, nor advantage to these who have no good will to them, and are but watching for their halting; and they may endeavour to

¹ Vol. iii. of this work, p. 223.

² Acts of the Parliaments of Scotland, vol. ix. pp. 181, 228.

stop their enemies mouths by their moderation; and I wish they might adjourn after a few dayes till some more convenient time, when heats and mistakes may be more over, and people calmly to see their own true intrest, and the calumnies that men are asperst with and too much believed, removed and seen to be false, and the church may have a fuller representative." Melville also urged upon Lord Crawford the necessity of advising his friends to moderation, which he willingly promised, and the secretary also wrote to several of the leading ministers appealing to them to be moderate in their conduct and counsels, and warning them of the danger of precipitancy or indiscreet zeal in giving their enemies a triumph over them.¹

In another letter addressed to the assembly, Melville conveys the king's commands and wishes to the same effect. He reminds them that the reformed religion had always been dear to the king, who assures them that nothing shall be wanting on his part to make it prosper in Scotland. "He doubts not of your containuing firm in your dutie to him, and he allows me to assure you that in your doeing so and keeping in your judicatoures within the bounds of your propper work, without concerning yourselves in things alien from you, that he will preserve you in the peaceable possession and christian excersise of what he haith graciously granted; but he expects that in your manadgement you will have a respect to his affairs els where as well as amongst yourselves, and that a regard to the publick interest and common good of his kingdoms will weigh more with you then any particular considerations; this is what his Majestie haith commanded me to give in return for your address."² These advices were taken by the assembly, and at its close the most favourable accounts of its proceedings were transmitted to the king and Lord Melville.

Soon after this Melville's administration as sole secretary for Scotland came to an end. According to some, he lost the confidence of the king; and though he continued to act as principal secretary for some time longer, yet in the end of 1690 Sir John Dalrymple was conjoined with him, and accom-

¹ Leven and Melville Papers, pp. 540-544. It may be added that the original drafts of these letters, preserved in the Melville Charter-chest, are in the handwriting of Mr.

Carstares, who supported Melville in his ecclesiastical policy.

² Leven and Melville Papers, p. 555; 24th October 1690.

panied the king to Flanders. Premonitions of the coming change occur in one or two letters addressed to Lord Melville at this time. His friend, Lord Crawford, writing regarding the close of the general assembly and the part he had taken in it, states that what he had done was not only out of friendship to Melville, but because of a full conviction that if he should be rendered "uneasie" in his present post, "and upon that weary of it, the presbyterian interest, and, in consequence, the king's, in this nation will go near to ruine."¹ This is the first indication that Melville was beginning to find his post unstable, but a few weeks later Crawford writes—" . . . I have ever looked on your lordship as a true friend to your master, your nation, church. . . . You must needs give me charity that I have not been an unconcerned spectator while your lordship of late has had your tossings above and blustering at you from all airts. It is not much that I can signify, yet I have used what influence I had here and ells where for your support and weakening the credit of your adversaries."²

The causes which led to Melville's finally vacating the office of secretary of state have been variously stated by historians, but they are nowhere clearly revealed by Melville himself, though he has left several papers dealing with his own administration. Bishop Burnet states that Lord Melville lost credit with the king by exceeding his instructions as commissioner, but this assertion has been examined and refuted by a recent writer, who at the same time confesses his inability to throw light on the subject.³ He, however, accepts as the most plausible solution a theory put forward by the English historian, Ralph, who says that "how much soever Lord Melville has suffered from the imputations of his countryman, Burnet, it must be acknowledged that he took the only course which the exigencies of the times would admit of, to provide for the security of the government;" while in another place it is suggested rather than affirmed that the king displaced Melville as a peace-offering to the English Church, and in pursuance of his policy to keep all parties dependent upon him.⁴ Macaulay adopts Burnet's view, but modifies

¹ Leven and Melville Papers, p. 571; 15th November 1690.

² Mr. Leslie Melville in preface to Leven and Melville Papers.

³ *Ibid.* p. 580; 4th December 1690.

⁴ *Ibid.* p. xx. *et seq.*; cf. Ralph's History of England, vol. ii. pp. 212, 332.

it by asserting that Melville was set aside because he did not carry out the king's desire for toleration to the episcopalian dissenters. He also accepts and enlarges Ralph's theory by affirming that this alleged want of toleration raised a clamour in England which the king was fain to gratify by depriving Melville of his position.¹

Ralph, however, so far as he indicates any particular cause of Melville's being set aside, refers it entirely to the king and the changes of his policy. A recent author who touches on the subject suggests a reason also based on the exigencies of politics altogether apart from the question of church government, namely, that King William, being a shrewd judge of ability and of the necessities of state, saw that a firm hand and an able head were requisite at this juncture, and that Melville's moderate talents, combined with honesty of purpose, could not compensate for want of such firmness and ability.²

In the absence of any authoritative statement on the point it is probable that no one reason can be assigned for Melville's retirement, but that all the causes stated, except the one alleged by Burnet, combined to produce that result. To these may be added, first, an element personal to the earl himself, arising out of his own character and disposition, and secondly, the adverse influence of the Master of Stair, who for some undefined reason had become hostile, probably because he leaned to episcopacy, while Melville was strictly presbyterian. In collecting the contemporary evidence bearing on his change of position, precedence may be given to a remark of his own made while still acting as commissioner, contained in his letter to Monsieur d'Alonne about June 1690, formerly cited. In regard to what he believed to have been plots in England against the government, he writes that he had long been apprehensive that "the king was betrayed by some, when I was with you, when I observed some methodes taken and some measures his Majestie was put upon, and I was so bold as to tell him I thought so then, and to wreat to him oftner than once that it was still my opinion. I fancy if I had been believed and employed, I could have put his Majestie on the way of discovering, and the persons, himself; but I know I had many, both

¹ Macaulay's *History of England*, vol. iv. pp. 186, 187.

² *Memoirs of Viscount Stair*, by Æneas G. Mackay, advocate, p. 244.

with you and my own countrymen, to misrepresent me, some upon one account and some upon another, and I have the misfortune to be one of unpolished temper, and not shapen for a court, being too plain and too rough, that might make what I said have the less impression." At another part of the letter he says, "Though I acknowledge the king has given me as much trust as [is] fitt for a servant to have, yett [he] has not put me in that capacity to serve him in this conjuncture as the necessity of his affairs requires."¹ Here it will be seen that, even before Melville became commissioner, and although the king considered him, and rightly, a faithful servant, his very faithfulness, and a certain bluntness of manner, seemed to have caused a friction between him and his master.

The praises bestowed upon Melville's administration have been already stated, and all his contemporaries acknowledged his prudence and honesty, but when the special work for which his talents were best fitted was done, it was only natural that the king should look to others who might better carry out other parts of his policy. That the king did do so is indicated by advices from Lord Tarbat, given in letters to Melville. Thus in one place he writes:—"We heare so various reports from what's said and thought at court, that albeit some of them be unpleasant enough, yett I have this much satisfaction that I cannot trust them, because my Lord Raith tells me they are not true. . . . But lett me in the old straine tell that your too much addiction to on party cannot but be dangerous, soone or syne; and especially when (as I think) they are not worth all that; not that I think they, as being most ingadged against the king's enimies, are very sure to him and you, but if they gett more be farr as [than] there suitable proportion of place and favour, they are selfish and no good nor just freends, if they think that all beside them, and many more nor they, are to be cast of to please them only." Lord Tarbat further remarks that it is not fit for the king to be head of a party, nor for an officer so high in station as Melville to be of a party, and proceeds to condemn the doings of the ecclesiastical party, foreshadowing the troubles of nonconformists.² This letter is clearly directed against Melville's attachment to the Presbyterians, and indicates the feeling of Episcopalians in

¹ Copy letter in Melville Charter-chest.

² Leven and Melville Papers, p. 558; 30th October 1690.

Scotland. The general assembly was then sitting, which accounts for the reference to ecclesiastics whose "moderation" Lord Tarbat derides. In a later letter, evidently in answer to an expostulation from Melville, Tarbat says: "I know I can be mistaken, and it is not impossible but we both may; yett I still think it is safer erring on the gentle and comprehensive then on the narrow exclusive side. I doe not beleeeve the tenth of our reports, but I know the universality of our murmurs; and it is impossible that the negative moderation (viz., to kill slowly and with smother words), and the reforming of churches by Earl Angus' regiment and such others, can produce good effects."¹

Lord Tarbat's letters are from the view of a politician only, but they show that Melville's presbyterianism was not agreeable to many, who did not fail to misrepresent him, and to raise clamours against his ecclesiastical policy. These may have had some effect with the king; but it is probable that his Majesty's visit to the Continent, which took place in the beginning of 1691, was what really led to his conjoining Dalrymple with Melville. William was then cementing his great alliance with the continental powers in opposition to France, and no doubt felt the need of a man of younger years and more versatile talents to be with him, who was also familiar with Scottish affairs. Melville does not appear to have submitted meekly to being thus set aside, though he nominally held the principal place. In December 1690 Tarbat wrote:—" . . . Some reports come which I hope will prove as false as former ones of that nature; but whatever fall, . . . take no petts. Remember your king, your country, your freends." Later he writes:—"My lord, I can but conjecture at things by what you writt; but this I will still say, that subjects ought to capitulat with there soveraigne as to offices and government on the king's tearmes. My dear lord, take no pett, but make the best of what occurs; the king will soon find who are his best servants, and you can nether be so usefull to him, your freends, or yourself when you are out as when in."²

The date of Lord Melville's appointment as lord privy seal is 29th December 1691, but it was not presented for registration in the Scottish records till June 1692.³ Soon after it was made, there were other changes in

¹ Leven and Melville Papers, p. 571; 14th November 1690.

² *Ibid.* pp. 587, 590; 19th and 30th December 1690.

³ Original in Melville Charter-chest.

the Scottish administration, and it is apparently to these that Lord Melville refers in his vindication addressed to the king, probably about this date, where he says :—" As to such whom it may be fit to employ in the management of publick affairs in your kingdom of Scotland, I must confess that I cannot well perceive the necessity of employing at present any that are jealous by those that have been all along faithfull to your interest, the ballance being too much already upon that side ; and the clamours that have been made of your councill haveing been either groundlesse, or proceeding only from the opposition that was made to the granting of unseasonable favors to such as were known enemies to your interest. Yet seing important reasons, which it were presumption in me to enquire into, doe make your Majesty think it fitt to employ some such, it is my humble opinion that those who are least obnoxious to your people, and have never been active against your government, may be pitched upon, and who I take to be such I shall give my sentiments, without prejudice against any man, whenever your Majesty shall think fitt to putt the question to me."¹ Melville concludes his paper with the words, " Thus, sir, I have taken the boldness to give your Majesty an short but true account of my management, and also to offer my advice as to what I humbly judge may be for your service." It would appear from this, that although Melville accepted a less important office, he still believed himself to have the regard, if not the full confidence, of the king.

The notices of Lord Melville during the year 1692, even in the family papers, are very meagre, and nothing is known of his public life, except that he appears to have confined himself to the duties of his new office and taken little part in public affairs. In a draft letter, written by himself to a correspondent, whose name has not been ascertained, he states incidentally that he had been appointed one of the Scottish commissioners of admiralty. In this letter, which is not dated, but which was probably written in the end of the year 1693, Lord Melville writes :—" Your lordship knowes the changes I have met with since I was employed in the king's service, of which I doe not in the least complain, for his Majestie may serve himselfe of whom and in what capacitie he employs any as he pleases, but this hath given my ill-wishers advantage to prejudice me in my private concerns. I may say I had

¹ Vol. iii. of this work, p. 224.

as few [ill-wishers] as any Scotsman befor I engadged in his Majestie's service, and it was my zeale for and faithfulness in it procured me these, for I was for packing with non, though I have been sollicite[d] enough by al parties that hath been since the revolution, because I see much private design, to say no worse, amongst too many. This is what has occasioned so many of different interests take many methodes to have me misrepresented to my master, and tho my particular (as every one is ready to doe) may affect me, yett I am the more [*sic*] because so many takes notice of what I have and doe meet with, and wonder what may be the reason, or thinke I have committed some crime, or have behaved my selfe ill in the station I have enjoyed. If the king have receaved any badd impressions of me I should be glade to know it, that I might endeavour to remove them and to vindicate my selfe in what I may be blamed for, which I thinke I am sufficiently able to doe; for if I have failed in any thing it hath proceeded for want of better understandeing, and not either from negligence or unfaithfulness. You know the last change I underwent, I did submitte to it upon your desire and advice; I doe not in the least thinke either the king or your lordship designed me any prejudice by it, for the king might have laid me aside altogether, and I was not to complaine. I never sought publick employment, but often in my time I have shuned it. I did offer my service to the king in a time when I knew not whom to recomend; and as I served alwaies faithfully, so while I had his countenance I served him successfully, notwithstanding of all the opposition I had to grapple with, which possible was the greatest ever any Scots minister of state mett with. The advantages of the one place more than the other, wer my sallary payed, ar not considerable or what I value; nor doe I at all grudge the person's [Johnstone] getteing my former employment; I have a kindness and respect for him, but this employment the king hath pleased confer on me in some respect is a stepe of advance in haveing the door." Lord Melville then refers to his connection with the court of admiralty and an affront put on him there, as also to the fact that he had not been made, as was usual in the case of former lords privy seal, one of the recently appointed extraordinary lords of session, and he details other grievances.¹

¹ Draft letter in Melville Charter-chest.

That Melville was not entirely without justification in complaining of the misrepresentations and affronts to which he was subjected appears from a statement by Sir James Montgomerie of Skelmorlie, prepared for the exiled King James as to the state of parties in Scotland. The full text of this paper, from a revised copy in the Melville charter-chest, will be found in another volume of this work,¹ and only those sentences which relate to Melville at this period may be quoted here. Sir James, after narrating the failure of the former plot, states that at that time they hoped to misrepresent and accuse Melville. This was defeated, but at the date of writing—about 1693—he reports more hopefully in favour of a Jacobite rising in Scotland. Many had given him assurances, the most faithful regiments, those of Angus and Leven, were out of the country, and the people were afraid of the soldiers now among them,² so that “no great opposition was to be expected from any within the country, they wanting a head in whom to concenter, and its rationall to conjecture that Melville will not medle much when he may be convinced that he cannot now doe it to any purpose, and cannot but be convinced of the weaknes and fooly of the pairty, especially being in some manner laid aside and not trusted as formerly. Besides, there will not be wanting endeavours for getting him and his sones out of their employments, which, if it take effect, may have severall consequences.”

Sir James proceeds to say that correspondence may now be carried on more safely, “for there was now no such prying into things as when Melville was with the king and trusted by him.” Again, “It was a good step for your interest when Melville was gott removed from him [King William], and if his sones or any of them could be gott removed from their employments it would be ane other good one . . . the children are also biggott as the father, whom no man can gaine but to that which he himselff thinks to be right. It’s good he is of so uncomplacent a humor, else he might have had more interest with his king still then he hes.”³ This is followed by the

¹ Vol. iii. pp. 225-233.

² This statement is corroborated by papers in Melville’s own handwriting.

³ As a commentary on this, a paper in the Melville Charter-chest, also written about 1693, in defence of Melville, states that he

was not displeased at being set aside. “He thinks it was greatly his advantage, being of a temper that never courted publick employment. . . . You know the man and his manner, and of how unpolished a temper he is, and that old sparrows are ill to tame.”

paragraph disparaging Melville's character for wisdom, but admitting the success of his administration, which has already been referred to and partly cited. Sir James adds, "But grant he were so wise a man . . . your Majestie [King James] needs not apprehend him much—for gained he cannot be; neither need you be anxious about it, for if he be wise he will never think it his interest to goe burn his fingers again and expose himself to no purpose; for in the station he is in, as he is yoaked he cannot doe much, for neither of the secretaries [the Master of Stair and Mr. Johnstone] have any kindness for him, but rather are jealous, and will doe all they can to keep the king from ever employing him further than at present."¹

These remarks also suggest that Melville's personal character contributed somewhat to his removal from high office. But we have from another source further testimony as to the treatment of Melville, which distinctly points out the Master of Stair as his political opponent, and the person who weakened his influence in the government. In May 1695 Lord Tarbat wrote to Mr. Carstares, referring in a somewhat enigmatical way to his own "adversars," and stating he is quite willing to give up office to serve the king. He then adds, "I am afraid this will not cure the [party] distemper, yet it's all I can contribute to it. But when their heat cannot bear with the Earl Melville's family and with you, to whom they owe, under the king, all the power they have, I can little wonder of their fretting at me; but I hope their folly will not frighten the king from so faithful servants, nor you from giving him counsel for their sakes, whose fire will hurry to self-prejudice, if not stopt by prudence."² A few weeks later Lord Tarbat writes again that though he does not pretend to bigotry, yet he desires a settled church, and to this end—apparently in view of a general assembly—he thinks it the king's and church's interest to have a firm yet moderate Presbyterian, one above suspicion with the church, while able to stop violent fury. He then proceeds:—"Another thing is of importance in my judgement, and that is, since the interest of the moderate party is much weakened by what was done to the Earl of Melvill, which renders him less able to do effectual service, it might be useful to the king and country, if by some

¹ Vol. iii. pp. 227-230.

² Letter, 16th May 1696, Carstares State Papers, etc., p. 229.

demonstration of favour, others may be encouraged to follow his directions, which would put many in a right road who goes wrong.”¹

Another letter is more explicit. Lord Tarbat writes:—“The methods of some men and their heats you (though you know us well) cannot conceive, nor can the sad consequences be safely exprest. . . . It’s certain, if the presbyterian party would moderate their designs, and were they managed by wise men, they are sure to the king and against his enemies; but as the Master of Stair may repent his successes against the Earl of Melvill, so may others, for he had the best founded interest with that party, and, if he had not been loaded with marks of disgrace, he had led that party to the king’s mind; but being put from the secretar’s office—and without an exoneration either in that office or in the commissioner’s, which was never refused to any—the preferring his juniors in presiding in council and parliament; the taking his sonne’s regiment from him, and his sonne left out of the commission for auditing of accompts; forcing a deputy on his sonne in the castle, and all who come down from court making it their work to lessen him. But I do not see a probable way for the king to manage the true presbyterian party but by his [Melville’s] family; and if they were countenanced by the king they could doe more by their finger than others can doe with both their hands; yea, altho he be thus lessened, the body of the presbyterians have more kindness for him than for all the other officers of state. The hot party who attackt him rudely enough at first, and spoke loudly of it, found the respect of the presbyterians so strong for him that now they court him, whilst others see that he moderates many; in spite of the heats they all desire union with him. But he would be less useful were he plunged in a party. In short, if this confusion and wrong steps be reticvable, I see not so fixt a base to draw up on as him and his family, for Lord Raith is certainly one of the sharpest, most judicious, diligentest in the nation. . . . I wish earnestly that the king may put Earl Melvill and his children under such marks of his favour as may strengthen them to sett right what is wrong. . . . So go about, sir, consider our nation and where the strength of it lies, and then consider our present state and what comes next, and judge if wit and discretion be not necessar. Then view our trustee governors, and take or

¹ 11th June 1695, Carstares State Papers, p. 231.

offer what measure you judge fit. I wish the lord-keeper Summars [Somers] and Earl Melvill did correspond, and that the king and E [arl] P[ortland] would write kindly to him [Melville], for he got discouraging blows; and you know his reserved temper and unwillingness to meddle; but he is an ill man if he refuse when he is so necessar." ¹

It is clear, therefore, that, in the opinion of shrewd observers, Melville had, since his deposition from the office of secretary, gone on faithfully discharging the lesser duties intrusted to him, in spite of opposition and misrepresentation, and was still a considerable power in the state. There was one person whose friendship had never failed him—the correspondent to whom Tarbat writes so freely—Mr. Carstares, then one of the royal chaplains. Even in 1694, when Melville was comparatively in disgrace, Carstares writes—
 “. . . For my part I am as much your lordship's friend and servant as ever, and I doe believe many doe take me to be more so then I am in a capacitie effectualie to testifie that I am; but I hope differences amongst those that I have the honour to have for my friends shall not alter my respect to them, nor influence me to act anything that shall be unjust, ingrate, or unkind.” ²
 This last sentence is somewhat explained by the terms of an anonymous letter, dated a few months later. The writer says—“A servant of yours being alone with Mr. C[arstares] tooke occasion to discourse concerning M[elville] and his son, regrating that iealousies betwixt others and them did weaken the publick interest, and pleaded as what an advantage it would be to have love and harmony among all those who sincerely love ecclesiastick and civill establishments; so how proper for him who had access to, and interest with, all the great folk to endeavour the removing of mistakes; yea, particularly proposed that he might use what means he could to prevent any alterations as to places which Melville or his sons do now enioy, but that matters might continue as now they are untill other persons be in Scotland, when, by being sometimes together, matters may be better concerted, and means for begetting a right understanding more like to prove effectuall. He frankly granted the reasonableness of what was said, and professed a great readiness to do what he could; but after all, I know one who wisheth Melville were by his master,

¹ Letter, 25th June 1695, Carstares State Papers, etc., p. 233.

² Letter, 27th August 1694, in Melville Charter-chest.

because sight of friends doth readily renew remembrance of services which sometimes are lesse minded in absence, especially if there be any to call the services small. But this is too tender a point for my pen ; onely passion to serve where singularly oblidged doth constrain to this hint. I beg pardon if I have said too much. Adieu!"¹ This letter suggests that Melville's troubles were owing partly to local jealousies, and partly to the fact that his want of access to the royal person was unfavourable to his interests.

King William, however, was not unmindful of his old servant, and later on, in the same year, Mr. Carstares was enabled to write to his friend in terms which indicated a more open manifestation of the king's confidence than Melville had lately enjoyed. The Master of Stair's political influence suddenly ceased in that year in consequence of the parliamentary report upon the massacre of Glencoe, and writing in July 1695, at a date when the terms of the report were probably known to King William, though not formally passed, Carstares says he is desired "to lett your lordship know that your carriage in this parliament is acceptable here. I hear the 3000 lib. sterling busnesse is to be brought into the parliament, but if it be I have reason to think it will not turn to your disadvantage, but upon the contrarie." A few days later he repeats the statement about Melville's conduct, and adds, "I am heartilie your lordship's. I shall only add one thing more, that your reasons which your lordship gives for your carriage in parliament are solid and satisfieing."² What Carstares refers to can only be conjectured, but there are some points, especially his relations to the Dalrymples, on which we have some information of interest. Among other things we are told that in a matter affecting Viscount Stair, the earl, though under no great obligations to that family, was too generous to assist the proceedings against the old man ; also that when the parliament voted for imprisoning Breadalbane, Melville refused to join the vote, because he thought the king ought to be consulted before such summary procedure was taken. In regard to the report on the Glencoe massacre, although Melville "abhorred that action alwise, as he doeth still," yet as the vote against the Master of Stair was not stated in a way he thought reasonable, he refused to vote. As he had the

¹ Letter, unsigned and not addressed, 9th February 1695, in Melville Charter-chest.

² Letters, July 1st and July 4th, 1695, in Melville Charter-chest.

second vote in the house many followed his example, which was afterwards charged against him, but the paper adds that he was always "for solid, sober, and disinterested measures, and never a lover of Jehu-like dryving which he never see have a good issue."¹

The £3000 referred to by Mr. Carstares was a sum of money contained in a bond granted in 1690 by the town of Edinburgh to the Treasury, which was afterwards assigned to Melville. In the end of June 1695 the town petitioned parliament that as the sum had been granted as a gratuity, or at least to obtain an act which was not carried, the bond should be declared null and void. The parliament remitted the matter to the court of session to be dealt with by ordinary legal process.² The dispute was only settled in 1698, when the king stated in Melville's favour that the gratuity was given by his full consent, and the money was paid. The parliament of 1695 also granted to Melville the right of holding two fairs yearly, in May and October, on his lands of Letham, near Monimail.³

In October of the same year, Lord Melville received a letter from Mr. Carstares, intimating that it would not be displeasing to the king if he came to London; and two days later he virtually repeats the statement, and expresses his pleasure that Lord Leven is coming also, concluding with renewed assurances of friendship. These verbal compliments were enhanced some months later by a more substantial mark of confidence. In the following May, John, Lord Murray, afterwards Earl of Tullibardine, Dalrymple's successor as secretary of state, wrote a friendly letter to Lord Melville informing him of proposed changes in the government, and offering him, by the king's desire, the post of president of the privy council. Sir James Ogilvie, the under secretary, wrote to the same effect, adding: "I doubt not your lordship will use your endeavours to make good agreement amongst al the king intrusts in the government. Wec can neaver expect ane ful setelment in the kingdom whilst thos employed in the publict doe not

¹ Anonymous paper, *Ibid.* It is written in the form of a letter to some one at Court, but is only a fragment, and undated. It relates to the session of 1695, and defends Melville from various misrepresentations, alleged to be made against him. Besides

the subject of the Dalrymples, the paper touches on other matters, but adds nothing to what is known of Lord Melville.

² Acts of the Parliament of Scotland, vol. ix. pp. 408-410.

³ *Ibid.* p. 502.

agree.”¹ When Lord Murray’s letter reached Lord Melville he was at his country seat of Monimail, whence he wrote thanking Lord Murray for the offer of so honourable a post, but expressing himself averse to making changes.² He wrote in the same strain to Secretary Ogilvie.³ His friend, Mr. Carstares, wrote that the proposal was made with a sincere regard for Melville himself and for the advantage of the king’s service; also, that it was considered an office more fit for one of Lord Melville’s years and experience than for a young man.⁴ Notwithstanding this, however, Melville continued for some time steadily to decline the office, but in the end accepted. It is probable that he was finally induced to take office by a letter from the Earl of Portland, who had always been very friendly to him, and who wrote that he regretted Melville had so much difficulty in resolving to accept the post offered: “The difference [between the offices] in emolument, if any, is so small, and as regards the honour of directing affairs and having the king’s confidence, so great, that I confess to you I did not believe you would hesitate. Your friend, to whom I have spoken, had the same feeling; and you see it is a thing which he wishes, although he, nevertheless, leaves you entire freedom to do what you think good.”⁵ Soon after the receipt of this letter Melville presented his commission for registration, and probably entered upon his new duties about the middle of August 1696.⁶ The salary attached to the new office was £1000 sterling yearly.⁷

The Earl of Melville was present at the parliament of 1696, which assembled shortly after his appointment, and took his seat as one of the great officers of state. He was appointed a member of the committee for the security of the kingdom, and appears to have acted as president or chairman, as towards the end of September Mr. Carstares writes: “I was heartilie glad to hear that things have gone so well in the committie where your lordship presided, to which I know your lordship hath not a little contributed.”⁸

¹ Vol. ii. of this work, pp. 174, 175.

² Letter, 15th May 1696, in Atholl Charter-chest.

³ Vol. ii. of this work, pp. 175, 176.

⁴ *Ibid.* pp. 175, 177.

⁵ *Ibid.* p. 178; letter, in French, dated 16th July 1696.

⁶ Commission, dated at Breda, 25th May 1696, and registered 13th August 1696; original in Melville Charter-chest.

⁷ Original warrant, *ibid.*

⁸ Letter, 25th September 1696, in Melville Charter-chest.

After his appointment as president of the privy council there is little to record of Melville, either in a public or private capacity. He continued to hold the office during the remainder of King William's reign, and from the incidental notices we have, appears to have enjoyed the confidence of the government, although his post was at one time threatened by his opponents. He was present at the parliament of 1698, but took little part in its proceedings. Indeed the Earl of Argyll wrote to Mr. Carstares, "Our friend Melvill has not opened his mouth scarce all this session." He, however, voted with the government, though some of his usual followers deserted him. The same writer says of him later in the same year, "Our friend Melville is not so capable for discharge of duty. . . . I am afraid he is declining."¹ He maintained friendly relations with the secretaries of state, one of whom, Viscount Seafeld, formerly Sir James Ogilvie, thus wrote him in December 1699: "We have had occasion this day to give his Majesty full information how faithfully and vigourously you and your son, my Lord Leven, act in his Majesty's concerns, and I shall not faill from time to time to let your lordship know what his Majesty desires to be done, and I will take it very kindly that your lordship do writ frequently to me and let me have your opinion in anything that occurs." Lord Seafeld adds, "Difference in opinion [among the officers of state] is as much to be shund as is possible in publict orders, for it takes off their weight and influence when they do not come out with unanimity, and meeting together beforhand is the surest way to prevent mistakes. If we do continue unite[d] amongst ourselves we will be capable to signify to his Majesty and to one another, but nothing will give so great advantage against us as division. I know your lordship will excuse me for useing this freedom, for you cannot but be convinced that ther are a great maney who act under a popolor pretence of a national concern when their own interest is only at the bottom."²

The "national concern" here referred to was the trading enterprise known as the Darien Company, the disasters to which were then strongly exercising

¹ Carstares State Papers, pp. 372, 412, 444. The duty to which the Earl of Argyll particularly refers was that of an extraordinary lord of session, to which office Melville as-

pired, but which Argyll wished for a kinsman, the Earl of Loudoun.

² Vol. ii. of this work, p. 181.

the minds of the Scots. It is not clear how far the Earl of Melville himself was concerned in the company. His sons appear as stockholders, but his own name does not occur. As a Scotsman, however, he must have felt keenly the troubles which assailed the intended colony, and also the slights which his nation received at the hands of England. The silent policy of King William in not answering the appeals of the Scottish council also alienated many, but Melville seems to have understood the difficulties of the king's position better than many of his countrymen, a fact which appears in his letters to his friend Mr. Carstares. He voted against the national address which it was proposed to present to the king in the beginning of the year 1700, but which was coldly received by his Majesty.

The parliament met on 21st May 1700, and Melville was present in his place. Both the Duke of Queensberry as commissioner and the Earl of Marchmont as chancellor impressed upon the house the difficulties of the political situation, and deprecated weakening the king's influence abroad by divisions at home. Notwithstanding this, numerous petitions and remonstrances were addressed to the parliament, and in terms of these they moved a resolution in support of the settlement at Darien, a motion not in accordance with the commissioner's instructions, and to gain time he adjourned the assembly. This policy and subsequent adjournments exasperated the populace, and their discontent broke out in a riot, of which Melville and others wrote intelligence to Carstares. The latter replied that the king highly resented the treatment Melville and the other officers of state had received, and that he was inclined to allow the parliament to sit in August "if it may be hoped they will be in any kind of temper."¹

Lord Melville at this time wrote long letters to Mr. Carstares lamenting the condition of affairs in Scotland, expressing a wish that the king would remain in England, and urging that parliament be again assembled. In answer to one of these Carstares writes: "I read to the king those parts of your lordship's letter that were proper to be read to him; his affaires necessarilie call him abroad, and he must be at the assemblie of the States [of Holland] that are now mett, and are not to part till he be with them; he is fullie of your lordship's mind as to the meeting of parliament in Agust if possiblie

¹ Letter, 26th June 1700, vol. ii. of this work, p. 181.

it may be without the ruin of his affaires, and he is satisfied with the reasons which your lordship gives for its meeting.”¹ The parliament, however, did not meet until the end of October 1700, and in the interval Melville paid a visit to Bath to recruit his failing health, whence apparently he went to London, but returned in time to be present at the opening of the session. The king sent a conciliatory message to the estates, expressing sympathy with the disasters which had befallen the expedition to Darien, and offering to aid the national enterprise, but distinctly stating that he could not, in view of the state of affairs in Europe, sanction the colony. With this message the estates were not satisfied, and they moved the assertion of the legality of the colony. A large minority wished to pass this motion into an act, but by a majority of twenty-four it was carried in the form of a resolution to be forwarded to the king. Lord Melville was one of those who supported the government, but that is the only notice of him in the records of parliament.²

King William died in March 1702; but the Earl of Melville continued to hold his office under Queen Anne's government until December of that year, when the Earl of Annandale was appointed in his place. He nevertheless attended the various meetings of parliament. In the session of 1703 he is referred to as joining in a protest against certain clauses proposed to be inserted in the act of security in regard to the succession to the kingdom. He petitioned the same parliament on behalf of the privacy and amenity of his house and park at Monimail, then styled Melville, that as he had planted and fenced the land round it, through which there was a public path, the parliament would order the road to be diverted so as to protect his grounds. The petition was granted, and a new road ordered to be made at the sight of the justices of Fife.³

In the session of 1704 reference was made to a matter which harassed the later years of the earl's life. This was a disagreement between him and his son, Lord Leven, on one side, and Anna, Duchess of Buccleuch, whose affairs they had directed for many years, on the other. The details need not here be fully stated; but the earl and his son were accused of corrupt

¹ Letter, 3d July 1700, in Melville Charter-chest.

² Acts of the Parliaments of Scotland, vol. x. p. 247.

³ *Ibid.* vol. xi. pp. 61, 70.

management, and a long and bitter litigation ensued between the parties, which was only settled by arbitration in 1711, after Lord Melville's death. He felt very keenly the breaking up of the friendship which had subsisted between him and the duchess for so long a period, especially in view of the many services he had rendered to her family.¹

Lord Melville was not a member of the last Scottish parliament, which began its sittings on 3d October 1706, but he presented a petition for repayment of sums advanced by him in 1689 and 1690 for the public service. The occasion of the advance was to aid those officers who were then commissioned in paying for their commissions, the money being secured over the pay due to their respective companies. In 1690 the earl advanced a further sum of £260 sterling to maintain some of the troops who had not been paid, bonds being granted by the commanding officers over the arrears of pay. The earl states that owing to the great deficiency of the funds, and the distressed condition of the officers for want of pay, he did not press his claims; but now that the whole or great part of the arrears of pay due to the army was to be paid up, he thought it reasonable that his advances should be refunded from the first payments. The parliament granted the petition, and passed an act accordingly in favour of Lord Melville.²

The earl, however, did not gain any benefit from this concession, as he died within a few months afterwards, on 20th May 1707.³ His remains were buried in the parish church of Monimail.

He was survived by his countess, to whom he was married in 1655, their contract being dated 17th January in that year. At the date of her marriage the bride was little more than fifteen years of age, having been born in 1639.⁴ She is described by her great-grandson David, sixth Earl of Leven and Melville, as "a little woman, low of stature." By the marriage contract Lord Melville was bound to secure his future spouse in liferent of his lands in Raith and others named, and also to resign his whole lands of Monimail and Raith for new infeftment to himself and her in conjunct fee. On the

¹ Acts of the Parliaments of Scotland, vol. xi. pp. 130, 153; The Scotts of Buccleuch, vol. i. p. 470.

² Acts of the Parliaments of Scotland, vol. xi. App. p. 100; Extract Act, 12th Feb-

ruary 1707, in Melville Charter-chest.

³ Extract from parish register.

⁴ Certificate of Baptism, 13th May 1639, extracted 8th June 1674, in Melville Charter-chest.

other hand, she, with consent of her curators, assigned to him her dowry of twenty-five thousand merks, which had been provided by her grandfather.¹ At a later date, about 1674, Lady Melville and her husband raised an action against the heirs of her grandfather for payment of a sum of 40,000 merks, provided to her because of her personal exclusion from the entail of the Leven titles and estates.² The Countess of Melville died on 2d April 1713, and was buried beside her husband in the church of Monimail.

George, Earl of Melville, and his countess had issue eight sons and four daughters. The sons were—

1. Alexander, who bore the courtesy titles successively of Master of Melville and Lord Raith, born 23d December 1655. He remained with his mother and attended to the interests of the family at home during the enforced exile of his father in Holland. After the revolution he was appointed a member of the Scottish privy council and treasurer-depute—an office which he discharged with great zeal and ability, although amid much discouragement. He was as staunch a Presbyterian as his father, whose ecclesiastical policy he supported, and was subjected to the assaults of the same political adversaries. He was much respected, however, even by his opponents. Sir James Montgomerie, who estimated Lord Raith's abilities above those of his father, in 1693 writes to King James: "We were in hopes that Raith, who is a mettled man, should have been out of employment ere now, for it was talked he was to demitt, having mett with something like an affront as he thought."³ Lord Raith did not resign, but continued to discharge his duties so well as to call from Lord Tarbat in 1695, the remark to Mr. Carstares, "Lord Raith is certainly one of the sharpest, most judicious, diligentest, in the nation"—a statement which, as has been said, would not have been made to one so well informed as Carstares unless it had been deserved.⁴

Other notices of Lord Raith's personal and political character are found in papers in the Melville charter-chest. One of these, an anonymous defence of Lord Melville's policy in the parliament of 1695, mentions Lord Raith in connection with "an act relative to the church, whereby a new day is given to those who call themselves the episcopall clergy for taking the oaths."⁵ Those taking the oaths before 1st September 1695

¹ Contract in Melville Charter-chest.

² Transumpt, 24th July 1674, of bond 3d January 1646, *ibid*.

³ Vol. iii. of this work, pp. 229, 230.

⁴ Leven and Melville Papers, Preface, p. xxxiii.

⁵ Cf. Acts of the Parliaments of Scotland, vol. ix. p. 450.

were to possess their churches and stipends, and to have the protection of the civil government, whether they formally owned the established church government or not, and whether qualified or not. "This act, so formed, came into the house by way of surprize, few or non hearing of it till it was presented. . . . The Lord Raith, Melvil's son, upon hearing it read in parliament, for he had not heard of it before, proposed that since these ministers were to have the protection of the government, and to enjoy their benefices, and were not accountable any manner of way to the church, that they should be obliged to sign the Confession of Faith, as all the ministers of the kingdom are, that that being a test of their orthodoxie, the people might not be in haizard of being poisoned by erronious and false doctrine."¹ Secretary Johnstone, however, the writer adds, pressed the act on the house, and Raith's motion was not carried.

Another document of similar character, of uncertain date, thus refers to Lord Raith: "Whatever may be said of the father [Lord Melville] as too warrie and timerous and slow a man, and not bred to busines, yet that cannot be objected against the children. For Raith, most that know him look upon him as a man of the best abilities and greatest integrity in the government, and as Queensberrie sayes of him, he hes, tho' a litle man, both a head and a heart, and would have been glaidly in a good correspondence with him, and whatever you may think at court, there is a grande difrance (as a Frenchwoman said when a minister was goeing to mary a shoemaker's wife) betuixt the chancelours [Tweeddale's] pairts and his, and as for integrity (not to say any thing of the chancelours), the king hes not that to give which would make him to doe that which he thinks ane ill thing; and its often eneugh said by some they know how to manadge others, when they have busines to doe, but there is no way to be found to manage Raith but what the merits of the cause may doe." The writer then notes some points in which Raith's "streightnes and his faithfullnes in the king's service makes him uneasie to others," and refers to questions about precedence and other trivial matters of dispute between him and his colleagues: "What other things may be said must be gross lyes and calumnies, which he [Raith] does not at all value, and he might be saifely adventured to enter the lists in debate with all the great folk you have with you. But he is to be blamed for being too much of his father's humor in some things, and is litle desirous to medle, but very unwilling to be baffled or affronted. He would willingly have quitt his employment, but that his

¹ Original paper (c. 1695), in Melville Charter-chest.

friends with great pains dissuaded him, for that were but the giving the ball to enemies, so that I belive now they [Melville and his sons] resolve to keep till they be turned out, that at least they may not give their enemies that satisfaction to make way for them. The king may doe what he pleases, and they must be content.”¹

Thus respected in political life, his death on 27th March 1698, at a comparatively early age, was a loss to his country and a deep regret to his friends. Mr. Carstares and Secretary Ogilvie wrote letters of condolence to his father, Lord Melville; and the Rev. Daniel Williams, minister at Moorfields, London, adds the following tribute: “I am sorry for the public loss the church and state, as well as your family, haue sustained by the death of my Lord Raith; his gifts and spirit consecrated to a common good must have rendered him a signal blessing when the experience of age had been added to the early specimen he gave the world so soon. . . . I wish it be no presage the good work in Scotland is to find some stop, when such hopeful instruments are removed and few apt ones yet appear.”²

Lord Raith married (contract dated 27th August 1689) Barbara Dundas, third daughter of the deceased Walter Dundas of that ilk, her mother, Lady Christian Leslie, being a consenting party.³ They had issue two sons, born respectively 29th January 1693 and 28th May 1695, who both died in infancy. Lady Raith survived her husband until 23d February 1719.

2. John Melville, born 28th May 1657, who died young.
3. David, born 5th May 1660, third Earl of Leven. Of him a memoir follows.
4. George Melville, born on 24th September 1664, and died young.
5. James Melville, born 18th December 1665. He appears to have acted as secretary to his father, and was in constant attendance upon him during the later years of his life. He also shared in his father's management of the Buccleuch estates. In 1675 the lands of Hallhill, belonging to James Melville, son and heir of the late Sir James Melville of Burntisland and Hallhill, were adjudged to Lord Melville for debt, and transferred by him to his son James, who became James Melville of Hallhill; but in 1699 he regranted the lands to his father.⁴ James Melville also had the lands of Balgarvie. He died in the year 1706, leaving a widow, Elizabeth Moncrieff, of what family is not known, three sons, George, Alexander, and

¹ Paper, undated, c. 1693, in Melville Charter-chest, referred to *supra*, p. 230.

² Vol. ii. of this work, pp. 179, 180; letter, 2d July 1698, in Melville Charter-chest.

³ Original contract, *ibid.*

⁴ Inventory of writs, etc., in Melville Charter-chest.

David, and four daughters, named Margaret, Anne, Barbara, and Mary. The eldest son, George Melville of Balgarvie, residenter in Edinburgh, died in December 1713, apparently unmarried and without issue. He appointed his brother-german, Alexander Melville, his executor, and left legacies to his four sisters.¹ Alexander Melville, also of Balgarvie, the second son, was, on 16th February 1714, and again on 12th April 1737, retoured heir-general to his brother George. On 19th October 1736, and on 20th April 1742, he was retoured heir-general to his father, who is described as James Melville of Hallhill, and also as James Melville, son of George, Earl of Melville.² The third son, David, survived until 1782, and died at his house in the Scieunes, Edinburgh, on 12th December of that year.³ The eldest daughter, Margaret, married, as his first wife, Mr. John Erskine of Carnock, author of "Institutes of the Law of Scotland," and had a son, Dr. John Erskine, of New Greyfriars Church, Edinburgh.⁴ The second daughter, Anne, appears to have died unmarried. The third daughter, Barbara, married Mr. Alexander Stoddart, minister at Falkland, whom she survived. They had issue, James Stoddart, merchant in Edinburgh. The fourth daughter, Mary, died, apparently unmarried, on 22d June 1759.⁵

6. John Melville, born 24th April 1670. Died young.
7. Charles Melville, born 2d December 1673. Died young.
8. John Melville, born 26th September 1677. Died young.

The daughters were —

1. Margaret Melville, born 28th October 1658. She married Robert, fourth Lord Balfour of Burleigh. Her second daughter, Mary, married General Alexander Bruce of Kennet, and was the ancestress of the present Lord Balfour.
 2. Mary Melville, born 7th May 1662.
 3. Anna Melville, born 8th March 1668.
 4. Katherine Melville, born 1st June 1671.
- } These three daughters appear to have died young.

¹ Commissariat of Edinburgh, Testaments. Vol. 88, 17th March 1721.

² Indexes of Services of Heirs at dates.

³ Scots Magazine, December 1782.

⁴ Fasti Ecclesiæ Scoticanæ, part iv. p. 76. Commissariat of Edinburgh, Testaments.

⁵ Will, dated at Falkland, 8th April 1758. *Ibid.* vol. 118, 17th August 1761.

Melville

X.—DAVID, THIRD EARL OF LEVEN, AND SECOND EARL OF MELVILLE.

LADY ANNE WEMYSS, HIS COUNTESS.

BORN 1660; EARL OF LEVEN, 1681; EARL OF MELVILLE, 1707; DIED 1728.

The Honourable David Melville, third Earl of Leven, was the second surviving son of George, first Earl of Melville, and his countess, Catherine Leslic. He was born on 5th May 1660,¹ and was baptized at Monimail on the 11th of the same month.² He succeeded to the earldom of Leven when he had just attained his majority, and possessed it for nearly half a century, filling also important positions as a military commander. He took a prominent part in the settlement of the government of Scotland at the Revolution, and was also a cordial supporter of the Union.

He first comes into public notice as a claimant to the earldom of Leven on the death of the two young countesses, Margaret and Catherine, the daughters of Alexander Leslie, second Earl of Leven. In his entail of the Leven estates, made in 1663, the second earl, failing his own issue, male and female, provided them to a succession of heirs, first, to the second son of John, Earl of Rothes, whom failing, to the second son of George, Lord Melville, his brother-in-law, whom failing, to the second son of David, Earl of Wemyss, and the entailer's mother, Lady Margaret Leslie, whom all failing, to the entailer's heirs and assignees whatsoever. The Earl of Rothes had no sons surviving, and so the Honourable David Melville was the heir-presumptive. But on his claiming to be served heir, the Duke of Rothes interposed the objection that the claim was premature, as it was possible he might still have a second son to inherit the Leven estates. The case was sharply contested in the court of session in February 1677, by Rothes, who was lord chancellor, and by Lord Melville, whose son David was still in his minority, and who had a gift of the non-entry of the earldom, dated 13th June 1676. The court sustained the contention of Rothes, and held that so long as there

¹ Entry in old Family Bible at Melville.² Register of the parish of Monimail.

was a possibility of his having a second son, David Melville could not be served heir.¹

So triumphant was the chancellor over his victory that at the earliest possible moment—twenty-four hours after the reading in the minute-book—he demanded an extract of the decret in his favour. It was refused, however, as Lord Melville had been before him, and given in a plea contending that as there was no true contradicter in the field, the finding became null. This plea was sustained by the lords, and they withdrew their decree. The chancellor now strove to get the case re-debated, but all his influence could not move the session to do so. Meanwhile Lord Melville secured the influence of Lauderdale, who was then at court, in the matter, and letters of gift under the hand of King Charles the Second were obtained in which the lands are declared to be in the king's hands, if not by virtue of the prerogative, at least as "*pater patriae*," whereby it was proper he should provide that such heirs of entail as were only in hope should not be prejudiced by the neglect of their estates, and to this end the king appointed George, Lord Melville, and his heirs, *curatores bonis* over the earldom of Leven, on behalf of the true heir.² In July following Lauderdale came to Edinburgh, and Melville by his influence revived the case before the session, though Rothés foreseeing the issue would now fain have let it rest. The result was that on this occasion a decision was given in Melville's favour, in terms of the king's gift. This gift was said to have been the first of its kind ever granted.³

All prospect of a possible heir of entail from the Duke of Rothés being terminated by his death on 27th July 1681, without male issue, the earldom and estates of Leven then devolved upon David Melville, who at once assumed the title as third Earl of Leven. On the following day, the 28th, when the parliament met at Edinburgh, a protest for precedency over the

¹ Lord Fountainhall's Historical Notices, vol. i. p. 140. His lordship reflects the humour of the bench on the occasion. One reason for the finding was, "for the devill must byde his day." A roundel was also made on the case :

" Ens reale [Melville's second son] craves
to be preferred.
Ad quantum et ad quale, Ens reale.

But I [the chancellor] say, Nihil tale,
Until I be interred
Ens reale craves for to be served."

² Royal signature, dated Whitehall, 29th May 1677, presented by Lauderdale and subscribed by him and other members of the privy council.

³ Fountainhall's Historical Notices, vol. i. pp. 167, 168.

Earl of Callendar was made in his name and on his behalf by Sir George Mackenzie of Tarbat.¹ His peerage gave him a seat in parliament, where he took precedence of his father. In the following year he was duly retoured and infeft in the Leven estates as heir to Catherine, Countess of Leven, who was the previous holder of the title and estates.² Among the first of his proceedings on acquiring the estates, was the raising of a process against Mr. Francis Montgomerie, the husband of Margaret, Countess of Leven, the elder sister of Countess Catherine, for reduction of their marriage-contract, by which he had been provided to a liferent annuity of ten thousand merks out of the estate. He also claimed right to the jewels and moveables of his late wife. The pleas were that Margaret, Countess of Leven, by reason of ill-health, and being in minority, was incapable of marriage, but was forced thereto by her uncle, the Duke of Rothes, and that the provision was exorbitant and injurious to the estate. The lords of session, however, found that neither plea was well grounded, and decision therefore was given against the Earl of Leven, who afterwards arranged matters with Mr. Francis Montgomerie.³

In 1683 the Earl of Leven accompanied his father in his flight to Holland, though personally he had no reason to become an exile, the government being desirous only to secure Lord Melville. The circumstances of the flight have been narrated in the previous memoir, and probably the very day on which they left Fife is fixed by a deed of factory executed by the Earl of Leven in favour of his uncle, James Melville of Cassingray. It is dated on 24th April 1683 at West Wemyss, whither he and his father were bound when Macarthur is said to have met them, and as "Duncan Macarthur in Monimeal" was one of the witnesses, it may be inferred that directly on meeting him they had gone to Wemyss, and there matured arrangements for escape. The reason given by the Earl for granting this deed is his "necessary absence."⁴

After his arrival in Holland, the Earl of Leven appears to have spent some time in travelling, and a note-book of his expenditure, somewhat

¹ Acts of the Parliaments of Scotland, vol. viii. p. 234.

Charter-chest. Retour, dated 26th April 1682 [Fife Retours, No. 1204].

² Crown precept and sasine thereon, dated 27th May and 1st June 1682, in Melville

³ Fountainhall's Historical Notices, vol. i. p. 396.

⁴ Original in Melville Charter-chest.

irregularly kept, from May 1684 to March 1686, is still preserved at Melville. Three factorial commissions to his uncle and others show that in December 1685 he was at Kell, in January 1686 at Hamburg, and in June 1687 at Berlin. Ere the last-mentioned date, through the good offices of the Electress Sophia of Hanover, who retained a constant friendship afterwards for the earl, he had entered the service of her son-in-law, the Duke of Brandenburg, and was in September 1687 appointed a colonel in the elector's army. At the court of Berlin, as the earl himself informs us, he was employed by the Prince of Orange to advance his interest privately, and he succeeded in his mission to the satisfaction of the prince, whose gratitude was expressed in his letters to the earl at this time, and in more substantial manner later.¹

A private letter, written by one of the Scottish refugees on the Continent, fully bears out the fact that the earl was in high favour at the court of Berlin. It is from Mr. James Brown, minister of the gospel at Königsberg, and seeks to enlist the good offices of the earl with the elector for the ratification and extension of his favours to the refugees, especially from Scotland. He writes :—

“RIGHT NOBLE LORD,—Though it hath not been my happiness to be admitted to your lordship's acquaintanc, yet having heard from severall, and particularly of Mr. Fairly (though under secrecy) of your lordship being at Berlin, and that you are highly favoured by our renowned P., Elector of Brandenburg, I have presumed to salute and attend upon your lordship by these lines. I do greatly rejoice to hear of your welfare and of your lordship's good inclination and inducements becoming a true protestant Scotch nobleman; your travells abroad for a litle time, as times now are, may further qualify your lordship for more service to God and your countrey.”

He then states his desire, of which he says, “The furthering of this will be your lordship's honour, and great service to the nation, and who knows but God may have brought your lordship to that place for this end.” He suggests that the earl should deal with M. Brunsenius, minister to the Elector at Potsdam, and Baron Kniphausen, one of his chief councillors, both of whom had been the principal patrons of the Scots at their prince's court.²

¹ Vol. ii. of this work, p. 56 note.

² Original letter, dated 13th December 1686, in Melville Charter-chest.

As one result of his political mission, the earl arranged a meeting at Cleves between the Prince of Orange and the Elector of Brandenburg. The conferences on that occasion contributed to the bringing about of the Revolution of 1688. During the negotiations which followed this meeting, Lord Leven continued to act as intermediary, and made frequent journeys between Berlin and the Hague in promotion of the enterprise. In further aid thereof, at his own expense, he raised a regiment of his countrymen in Germany and Holland. The proposal to do so emanated from the Elector of Brandenburg, and was highly approved by the Prince of Orange, who thought, however, that the task would be a somewhat difficult one in respect of the rank and file, though officers would be easily got. But the enrolment was accomplished within a comparatively short time, the proposal being made in August and the earl's commission as colonel being dated on 7th September 1688, and this regiment, which became the 25th, was honoured to render very important services in effecting the Revolution. At the head of it the earl accompanied the prince to England in the following November, and when Plymouth surrendered, as it was the first of the English towns to do so, the earl received instructions to proceed thither with his regiment, receive the town, and garrison it, which was done.

When the Prince of Orange had received the crown of England, a number of the Scottish nobles and gentry who had come to London met there with the object of placing the Scottish crown also in his hands. It was agreed that the estates of Scotland should be convened, and that the prince, now King William, should address a letter to the convention. The king made choice of the Earl of Leven to be the bearer of this important missive to the Scottish estates, and he had the honour of presenting it on the third day of their meeting at Edinburgh, on 16th March 1689, where he also attended as a member. The convention passed a vote of thanks to those of their number who had met in London, and done such "tymeous and dutyfull" service.¹ Lord Leven also received a circular letter from the King signed "G. Prince d'Orange," desiring him to attend this meeting of the estates.²

A day or two after the convention met in Edinburgh, the military

¹ Acts of the Parliaments of Scotland, vol. ix. pp. 8, 14.

² Vol. ii. of this work, pp. 31, 32.

character of the earl was recognised, and he was intrusted in this capacity with the necessary powers to secure that their deliberations should be conducted in peace. The Duke of Gordon had possession of the castle, and held it for King James, refusing to surrender. Claverhouse and his dragoons were in the town, he himself attending the convention. But on discovering that the meeting was unfavourable to James, Claverhouse held a hasty conference with the Duke of Gordon at the western postern of the fortress, and departed to rouse the Highlands in his master's interest. In consequence of this an order was issued empowering the Earl of Leven to raise a regiment eight hundred strong, to guard the town, disperse all parties bearing arms save themselves, and prevent any persons entering or leaving the castle. His own regiment being still about Plymouth, the earl formed this new regiment out of entirely fresh levies, but these were chiefly and readily supplied by west-country men, who had come to Edinburgh for the special purpose of strengthening the hands of the promoters of the Revolution. The measure, however, was merely temporary, until the arrival of regular troops from England, whither the Scots had sent their regiments for the time. The earl himself is said to have levied seamen from Arbroath during this year for the service of England.¹

In the proceedings of the convention also the earl took an active part in the interest of King William. He signed the declaration that the meeting was a free parliament, also their letter to the king, and was appointed one of a small committee to whom was assigned the task of auditing the revenue accounts of the general receivers. He was also named on the militia commission for the shires of Fife and Kinross, and on the committee of supply for Fife. With the Earl of Callendar he became personally cautioner for Lieutenant-Colonel John Balfour of Fernie, who thereupon received his liberty. Permission was also accorded him to quarter his regiment, which was now under orders to proceed from England to Scotland, wherever he pleased in Fife.²

King William's first Scottish parliament sat in Edinburgh on 5th June 1689, but the Earl of Leven is not mentioned as taking any special part in its

¹ Acts of the Parliaments of Scotland, vol. ix. pp. 11, 12, 17, 23, 32; xi. p. 154.

² Acts of the Parliaments of Scotland, vol. ix. pp. 9, 20, 29, 33, 65, 73.

work, further than being present and protesting for the precedency of his title over the Earl of Callendar.¹ There was other business on hand more congenial to his military tastes. His regiment was now with him in Scotland, having left Plymouth at the beginning of May for Chester, thence to proceed to Kirkcudbright by sea;² and the earl received a new commission as its colonel, with the captaincy of a company in it, from their Majesties, King William and Queen Mary, which was dated 20th June 1689, but was ordained to rank from the 7th September of the previous year, the date of his last commission, granted by the king as Prince of Orange.³ An army was being levied to cope with Claverhouse, who had succeeded in raising the clans, and the earl was associated with Major-General Mackay, who had been sent to take the chief command of the troops in Scotland, in dealing with the insurgent Highlanders. A royal warrant authorised both officers to use their best endeavours to induce the rebels to lay down their arms, and empowered them to grant assurances to such as would do so.⁴ At the date of his association in this form with General Mackay, the Earl of Leven was only in his twenty-ninth year, while Mackay was much his senior in years, as well as in military service.

Mackay had been following Claverhouse in the Highlands, but was forced to return to Edinburgh for additional troops before risking an engagement. Here he was joined by several regiments, including the greater portion of Lord Leven's, part of it being employed elsewhere. Marching into Athole they encountered the Highlanders at Killiecrankie, where the battle was fought which cost the government a defeat and the insurgents their leader. Mackay's troops, on the onslaught of the Highlanders, ignominiously broke and fled, all save two regiments, those of Leven and Hastings, and it was generally admitted that these saved the credit, such as there was, of the army of King William. General Mackay was loud in his praise of these regiments, but gives as the reason of their firmness that they were well officered, and were

¹ Acts of the Parliaments of Scotland, vol. ix. pp. 95, 99.

² Letter, Sir David Nairne to the Earl of Leven, 4th May 1689, in Melville Charter-chest; cf. Leven and Melville Papers, pp. 3-5, 10.

³ Original Commission in Melville Charter-chest.

⁴ Printed in vol. ii. of this work, p. 34. A contemporary copy in the Melville Charter-chest shows that it was addressed to the Earl of Leven and Major-General Mackay.

not attacked in the same manner as the others. The Jacobite account of the battle states that Claverhouse, not having sufficient men to extend his line equal to that of Mackay, and desiring to guard against the possibility of being flanked, left a large gap in the centre opposite to the regiment commanded by the Earl of Leven. While the rest fled it thus stood entire, and did much execution by its fire among the Highlanders, the most of whom, however, passed on in pursuit of the fugitives. Hastings' men, who had been posted on the extreme right of the line, were for a similar reason not attacked until, when the main body fled, a number of the Highlanders rallied from the pursuit and attacked them. Seeing this Leven marched to their assistance, and compelled the assailants to retreat. The Highlanders in their retreat discovered the body of Claverhouse, and carried him off the field, but Leven's regiment poured such a fire into them that their devotion cost them dear. Mackay having now joined these two regiments, to escape the fury of the Highlanders returning from the pursuit, drew them off to the neighbouring mansion-house of Urrard, where for a time they successfully resisted attack. In the darkness, however, they retreated, sustaining an attack from the Athole men before clearing the pass, but ultimately getting away they crossed the hills to Weem, and thence to Drummond and Stirling.¹ The Jacobites indeed alleged that the Earl of Leven and all that had horses, fled from the field very early.² But had this been the case, which is contrary to the evidence of some of the Jacobites themselves, the Earl of Leven would have been among the first to proclaim his own safety. On the contrary, with the news of the disaster brought by the fugitives, several noblemen wrote to Lord Melville, then at London, deploring the fate of Lord Leven and General Mackay, who were both thought to be killed. The earl was also said to have been wounded in the shoulder; but their appearance at Stirling uninjured dispelled the rumours. Mackay was then able to state the case for himself, and writing to the Duke of Hamilton, then royal commissioner to the parliament at Edinburgh, he says: "There was no regiment or troop with me but behaved lyck the vilest cowards in nature, except Hastings and my Lord Levens, whom I most praise at such a degree, as I cannot but blame

¹ Mackay's Memoirs, pp. 54-61; Memoirs of Lochell, pp. 268-272.

² *Ibid.*

others, of whom I expected more ;” and writing to Lord Melville he says, “ My Lord, your son hath behaved himself with all his officers and soulders extraordinary well, as did also Colonel Hastings with his.”¹

In a vindication written in or about the year 1695 of Lord Leven and his father, the Earl of Melville, entitled “ A true account of these things, whereby some endeavour for their own ends and designes to misrepresent Melvill and his sones to the king, etc.,” some further details of the actual events of the battlefield, hitherto unknown, are stated :—

“ As to Melvill himself, I need not tell you that it was a Jacobite designe to have him out of the king’s favour, because he had discovered and defeat all their designes, and it may be without vanity said that he did that service to the king in so criticall a time as then no Scotsman was able to doe. They see themselves brought altogether in the king’s mercie, and so thought they could never be secure till they should gett the king prepossessed against him and he removed from his station. The methods they fell upon to accomplish this was first to engage Generall Major M’Kay on their syde, who, they knew, had taken up a mortall prejudice and envie at Leven, tho upon very unjust grounds, as I shall mention afterwards. The reason was that Leven had gained some reputation, and he had lost his. All the country blamed his conduct. Both his own souldiers and his enemies contemned him. At Gillecrankie non kept their ground but Leven and a pairt of his regiment. A great many of them were detached into other places of the country. Tho Collonell Hastings behaved himself well, but was beat of his ground, and upon that retireing till he knew that Leven’s men had stood. All the rest of the army runn, and the generall major was a missing till after the busines was over, and they say was found in a thicket. When he came up to Leven, who had beat of the encmie, and who had in his own person recovered M’Kay’s collours, M’Kay lighted and embraced him, and kissed him many times, saying he had saved his honour, his life, and the kingdome. He would never forgett it, and he would represent it fully to the king. Further to evidence M’Kay’s ingratitude to him, after the Highlanders were beat of, he went out to see what was become of the generall, and in seeking for him he found his nevoey, this present Collonell Robert M’Kay, staggering and fainting of his wounds. He lighted and toar his own linnings, and his servants, and bound up his wounds, sett him on his own horse, which was the only horse he had (left of 14 or 16, his servants some of them being killed, and

¹ Mackay’s Memoirs, pp. 248-260.

some haveing runn away with his horsses), and betook himself to his foot. This gentleman is not so ingrate as his uncle. Within three or four dayes of this M'Kay took up that prejudice and envie at Leven. The reason was because the country were crying out against him, and much regraiting Leven, even those who had never seen him; ffor for these tuo three days it was thought both were killed. And when Leven after was comeing through the country to Edinburgh, the people all along run out as to a fair whenever he came alongst to see him and blissed him. On the conterarie they made songs on M'Kay. This raised his envie, and there is no standing before envie. The thanks Leven gott for this, tho he loosed above 1000 lib. at that engagement (for M'Kay would have them make the retreat tho the feeld was their own, and leave all the baggage) was to have others preferred who run away, and to have on of them put over his head, and afterwards ane other, who was much younger then he in comission, and now at last his regiment taken from him. . . ."¹

Some further instances of Mackay's jealousy of Leven are given, but these need not here be adverted to. It may be noticed, however, that after the meeting of Mackay and Leven on the field, Mackay, it is stated, "gave him [Leven] the comand of the retreat, which was his due, and that night never a hollow given, or any small allarum, but then, 'Where was Leven?' and for that night and the nixt they were very well together, but within a few dayes after he changed extremly."²

In referring to the Killiecrankie episode in his life at a still later date, when defending himself against the charges of disloyalty made by his enemies, the earl himself says:—

"What my conduct was, and the behaviour of my regiment in that battle (altho' the battle went against his Majesty) I wish I were so happy as that even my enemys were to give their account thereof, for that was so well known and so full in the publick prints that (without my presumeing to give her royall highness, Princess Sophia, ane account of my small appearance) yet she honoured me with a letter upon that account, wherin she was pleased to take notice of my behaviour, which letter I have yet in my custody."³

The letter from the Princess Sophia here referred to has not been found

¹ Vindication in Melville Charter-chest.

² Another vindication, *ibid.*

³ Vol. ii. of this work, p. 254.

in the Melville Charter-chest, and could not therefore be printed with the other letters with which the Electress honoured the earl.

When the castle of Edinburgh was surrendered by the Duke of Gordon on 14th June 1689, the keeping of it was conferred by the king and queen on their tried and trusted servant, Lord Leven. It had been previously promised to him by the king,¹ and on 4th July following a warrant was issued for expediting the commission in favour of the earl.² The commission is dated 23d August 1689, and bears that the king and queen appoint David, Earl of Leven, constable and governor of the castle of Edinburgh during their pleasure.³ When the commission came before the privy council of Scotland it gave rise to a debate, and the passing of it under the seals was postponed until the reasons of their refusal were communicated to the king. The real reason was party jealousy,⁴ but those alleged were of a purely technical nature and somewhat frivolous. The objections appear to have delayed the formal completion of the commission for a year, as it bears to have been sealed and engrossed in the register of the great seal on 23d August 1690. It did not, however, delay the entry of the earl on his duties as governor of the castle, as there is evidence of his acting in that capacity in the beginning of September 1689.⁵ Indeed, in that month, the council did appoint the seal to be appended, but a wish was expressed for a clearer understanding of what their relations to the earl in his new position would be, while, at the same time, they approved of the king's choice of the earl as a good one.⁶ He was complimented on his appointment by the Electress Sophia, who gave it as her opinion that the king had only, with his usual discernment of character, paid the tribute due to the earl's merit and noble birth.⁷ He was also congratulated by the Duke of Schomberg, then in Ireland, who wrote that he had seen in the gazette that the earl "had the government of Edinburgh."⁸

Lord Leven was in January 1690 appointed by King William to take

¹ Leven and Melville Papers, p. 66.

² Vol. iii. of this work, pp. 190-192.

³ Original commission in Melville Charter-chest.

⁴ Leven and Melville Papers, pp. 164, 265, 266.

⁵ *Ibid.* p. 271.

⁶ Vol. ii. of this work, p. 122.

⁷ *Ibid.* p. 55.

⁸ *Ibid.* p. 125. Leven and Melville Papers, pp. 295, 296.

certain measures along with General Mackay and Sir George Munro in relation to the forces, probably the planting of garrisons in the Highlands, which was proposed at the time. But the result of that commission does not appear.¹ At a later date the earl was authorised by the privy council, along with Lord Ruthven, to speak with the Earl of Seaforth, then a prisoner in the castle, that he might influence his uncle, Mr. Colin Mackenzie, to give up the castle of Ellandonan to the government, evidently that it might be made one of the proposed garrisons in the Highlands.

About this time also the earl had a seat on the privy council of Scotland, where he is mentioned as taking active part in a warm debate with the Duke of Hamilton, then president of the council, as to the signing of official deeds. He certainly at a later date acted as a privy councillor, and in this capacity did much to further the settlement of the country under King William.³

In the two parliamentary sessions of 1690 Lord Leven also took an active part. The first lasted from April to July. He was placed upon the committee for fines and forfeitures, and on the commission for the plantation of kirks, as well as on the committees of supply for the counties of Fife and Perth. The second session only lasted a few days in September, when the earl was nominated on another committee for preparing acts in relation to shires and burghs.⁴

An account-book kept by Charles Hay, the earl's chamberlain, from 11th September 1689, about the time the earl entered on his duties as keeper of the castle of Edinburgh, gives some information about the more private life of his lordship. He expended large sums in payment of his regiment, a fact which is borne out also by a letter from Lord Melville. Writing about June 1690 he says, "Leven had paid his regiment out of his own pocket these five months and upwards . . . and has always kept above his complement. But this will not do long with us. The others are upon the country and in a starving condition."⁵ His interest in the political discussions of the time are shown by the purchase of twenty-six copies of the printed "Grievances

¹ Order for payment to them of more money for the purpose, in Melville Charter-chest.

³ Leven and Melville Papers, pp. 344, 634.

⁴ Acts of the Parliaments of Scotland, vol. ix. pp. 106, 114, 143, 161, 188, 200, 230, 232.

² Vol. iii. of this work, pp. 224, 225.

⁵ Draft in Melville Charter-chest.

and Instructions," which were "all given to Westshiels, goeing to the west countrey, to disperse; they coast £1, 4s. Scots."¹ Then two copies of "Staires Vindication,"² and a copy of "Dr. Rule's Vindication," for which last Duncan M'Arthur paid on behalf of the earl £1, 10s. Scots.³ The earl wore periwigs, and when colded, as he sometimes was in winter, had brandy and sugar or a posset of milk and sugar. The convivial habits of the time are reflected in various payments of accounts incurred at what was apparently a combined musical and political club called "Pat. Steills," as besides the frequent mention of a dozen bottles being carried down from the castle to Steill's, which were drunk there with the Earl of Argyll and others,⁴ two dozen which were drunk with the Earl of Carnwath and others,⁵ a dozen which were carried down and drunk with Drumlanrig,⁶ and again of one dozen which were drunk at "Thomas Kyles" with Sir George Monroe,⁷ there are entries of accounts paid which were incurred there. Probably the bottles carried to these taverns contained more choice liquor than could be obtained there, as the earl occasionally made such purchases, as of "24 pynts Ranish wyne at 4 shillings sterling per pynt" from Captain Brown in Leith, whither the bottles were carried empty and brought back again full.⁸ At different dates there was the carrying down of bottles of wine, etc., from the castle to the abbey, the residence for the time of his father, Lord Melville, as commissioner, to the Countess of Wemyss' lodgings, and sometimes to others, as Lords Tarbat and Prestonhall. Then there was the importation of quantities of Preston ale and Dundee ale, doubtless for the use of the garrison, and large consignments of bottles from the glass-works at Leith were occasionally received; one such consignment requiring the service of no fewer than twenty-five women with creels to carry them to the castle.

Occasionally entries occur affecting other members of the family, as on 25th November 1689, at the departure of his brother James for London, the earl and the rest of the company, who had met to "speed the parting guest," hired two coaches, procured a "flambo," and conveyed him to his coach at the Canongate foot. At another time the earl's sister, "Mistris Mary, was very

¹ 28th December 1689.

² 13th March 1690.

³ 2d November 1691.

⁴ 21st February 1690.

⁵ 3d May 1690.

⁶ 19th March 1690.

⁷ 7th August 1690.

⁸ 8th January 1690.

tender,"¹ and before the month was expired there is notice of a purchase of "black stockins to the accomptant for Lady Mary's mournings,"² and later also of a purchase at London of "2 rims fyne cutt, gilded, and mourning paper, and some wax sent to Scotland for your lordship's use, paper beeing then scarce and course at Edinburgh, 27 shillings sterling."³

That the earl was a patron of horse-racing is also shown in the accounts. He seems to have been a regular attender at the races on Leith Links yearly in the month of March, and sometimes at Cupar in April. He kept a jockey, named Colin Wright, and ran his own horses, not unfrequently with success.⁴ Among other charitable contributions is one of a dollar "for a fyre latly in James Stewart's Close."⁵ He occupied a seat in the Tron Church, and is mentioned as having gone to it as his "own seat" for the first time on the fast day, when he gave the beadle half-a-crown.⁶ Other fast-day attendances at church are recorded, one being on Wednesday, 24th June 1691, apparently in Edinburgh, when his chamberlain gave him "to the broad, halfe a doller." The next entry is on the following day, "Item—given your lordshipe to a penny wedding 4 rix dollers." Then frequent visits to Fife are recorded, some on regimental and political business, as "to see the magistrates of Kirkaldy chosen," but very often finishing such business with a ride to Wemyss. Latterly his visits thither became more frequent.

His lordship had formed an attachment to the eldest daughter of Margaret, Countess of Wemyss, Lady Anna Wemyss, to whom he was married in September 1691. Born on 18th October 1675, Lady Anna was sought in marriage by Charles, fourth Earl of Southesk, before she had completed her sixteenth year. She was not personally averse to the match, and Lord Southesk was so eager for the marriage that he offered to take her without any portion, and to settle on her any jointure the countess, her mother, might think proper. Lady Wemyss, however, consulted her friends on the matter (her husband, James, Lord Burntisland, being dead), and chiefly George, first Earl of Melville, her brother-in-law.⁷ For reasons,

¹ 13th March 1690.

² 27th March 1690.

³ 15th December 1690.

⁴ Cf. vol. ii. of this work, p. 242.

⁵ 15th May 1690.

⁶ 27th May 1691.

⁷ Original letter in Melville Charter-chest, printed in "Memorials of the Family of Wemyss," by Sir William Fraser, K.C.B., vol. iii. p. 142.

however, which do not clearly appear, the marriage of Lady Anne to Lord Southesk was decided against, and it then became known that Lord Leven bore her more than an ordinary affection. Writing on 18th March [1691] to Lord Melville, Lady Wemyss says :—

“My lord, as for what I wrote formerly to your lordship concerning my Lord Southesk, his proposalls to my daughter, they were soe verry fair and his offers soe great as his affection to her apear'd to bee, that really I think it was noe great wonder that my daughter seem'd to incline to that match. That which I do think a great deall more strange is that one soe young as she should have been soe concern'd to have ane unjust right quatt, which might have ruin'd my familly if it had come to a competition, as I hope in God it never shall. I finde she has a great minde to have the persone she chuses for her husband should love her more then his interest, and have noe eye upon her brother's estate, and I believe she will finde few if anie in Scotland that has a larger share of honour and generosity then your lordship's sone, my Lord Leven, who, I hope, by this time has persuaded her of his great affection to her; but if neither I nor she did at first believe it was soe great, he may blame himselfe and his friends who were against it. I have often and frily told him I think he should marry none that your lordship and his mother are averse from, since marriages seldome prosper when parents only give a forced consent.

“I am, your lordship's affectionat sister and humble servant,

“M. WEMYSS.¹”

The contract of marriage between the earl and Lady Anna Wemyss is dated at Wemyss 3d September 1691. It obliged the earl to infest Lady Anna for life in Craigncat and Balgonie as her jointure lands after his decease, with 500 merks Scots, and for the better settlement of his estates on the heirs of the marriage he resigned the whole earldom of Leven. It was likewise arranged that if Lady Anna should succeed to the estate of Wemyss, and there should be two sons of the marriage, the elder should succeed as Earl of Wemyss, and the second as Earl of Leven. Should there be but one son, he was to be Earl of Wemyss, and was taken bound to denude himself of the earldom of Leven in favour of the heir-male of any other marriage of the Earl of Leven. It was further agreed that if Mr. Francis Montgomerie, the husband of the deceased Margaret, Countess of Leven, who, as formerly

¹ Vol. ii. of this work, pp. 238, 239.

stated, had a large liferent provision out of the estate, still survived when Lady Anna's jointure became payable, that she would restrict the same during his lifetime. In respect of the existing entail of the earldom of Leven, the earl makes provision for the daughters of the marriage, 40,000 merks if only one was born, 50,000 if two, and 60,000 if three or more. Lady Anna's tocher was 45,000 merks.¹

The wedding appears to have taken place the same day, as Lady Leven begins to keep a household account from that day separately. It is also evident from entries in the chamberlain's household book, already referred to, that it must have been celebrated not later than the 27th of the same month. On that day the earl and countess seem to have been "kirked" at East Wemyss, when a guinea was given to John More, reader there, with a ducatoon to the beadle, and the earl's six coach horses were provided for in the village. Other entries about the same date show that the precentor and beadle at Markinch church were likewise remembered; and on 3d October there was "bought by my lady's ordor for her page, a bible and a quare of papper."

At the same time that the contract of marriage was completed, the Countess of Wemyss, in view of her own possible future marriage, made an agreement with her daughter, Lady Anna, whereby the latter, with consent of the Earl of Leven, promised that in the event of the death of her only brother, David, Lord Elcho, and of her mother marrying again and having sons, she would renounce her right of succession to the earldom and estates of Wemyss in favour of such heir-male—an agreement which was contrary to the entail of the estates.² Happily, however, there was no need for putting the case to a practical test, as Lord Elcho survived and left a flourishing family, which is largely represented to this day.

Besides signing the marriage-contract, and giving his consent to the agreement between the Countess of Wemyss and Lady Anna, the Earl of Leven, the same day, gave his own bond in connection with the marriage arrangements, whereby he promised, in the event of Lady Anna dying without issue, to restrict the amount of her tocher to be received by him to 36,000 merks. In the event of his having received the whole, or more than this amount,

¹ Original marriage-contract, in Melville Charter-chest.

² Duplicate bond, in Melville Charter-chest.

before such a casualty, he obliged himself to repay such overplus to the Countess of Wemyss or her heirs.¹

The Countess of Wemyss did afterwards marry, her second husband being Sir George Mackenzie, Viscount of Tarbat, afterwards first Earl of Cromartie; but they had no issue. As he was seventy and she only forty years of age, the match created considerable sensation, and no little merriment in social circles. But the disparity of years was balanced by the great warmth of Lord Tarbat's affection. For a time the marriage was opposed by her children and their spouses, and Lord Leven is specially mentioned as being averse. But as they were unable to change the resolution of the countess, they ultimately consented. In a letter to his wife written from Errol, Lord Leven describes the signing of the marriage-contract there in April 1700. He says:—

“My Lady Weemys is almost satisfyed with me, but not at all with Elcho or Northesk. The contract was signed this day by my Lord Tarbat and my Lady Weemys; my father and Prestonhall witnesses. Elcho and I wer present. Northesk went home yesternight and came not back this day. . . . My Lady Weemys said this day she wold not marry till nixt week. Tarbat signed first, as is usuall, and when he gave hir the pen he kissed it, and after she had done he kised hir hands and then hir mouth.”²

Lord Tarbat's great affection for his second wife, the Countess of Wemyss, has been shown in the history of the Earls of Cromartie. He survived her, and occupied much of his time in preparing monuments to her memory.³

Lady Margaret Wemyss, the younger sister of the Countess of Leven, married David, fourth Earl of Northesk. The match was for a time opposed by her mother on account of his Jacobite leanings, but he was at length successful in his suit. In a letter to his countess, which is, as was usual with the earl, undated, Lord Leven refers to Lord Northesk's courtship. He says:—

“Northesk is now to lay a closs seidge. My lady sticks much at his not takeing the oaths. I think your sister should make him a Williamit. My service to hir. The king is cume to England. I am, ever yours.”⁴

¹ Duplicate bond, dated 3d September 1691, in Melville Charter-chest.

of Wemyss of Wemyss,” vol. i. pp. 316-320, and vol. ii. of this work, p. 242.

³ “The Earls of Cromartie,” vol. i. pp. cxlix, cl.

² Original letter, undated, in Melville Charter-chest; cf. “Memorials of the Family

⁴ Letter in Melville Charter-chest.

Lady Northesk in a letter to her sister, Lady Leven, describes an interview she had with her mother and father-in-law shortly after their marriage, which took place on the 29th of April 1700. She says :—

“I know, my dearest sister, you’ll be content to hear the history of my journey to Elcho. I went on Thursday night that I might come home on Saturday morning, for I expected company with my lord. My mother was very dry to me at first, and I was hardly set down when Tarbat went out of the room. She fell on me for my lords not syning the contrack, and all hir other quarels att him, and the greatest was that when she asked him before your lord if he minded that she wou’d not drink your health, he wou’d not say he did not mind it. I heard hir till ane end, which was a good time, but or all was done I was not a word behind with hir ladyship, which calmed hir a litle; for I find what your lord sayes is very true, It’s best to hold to hir. I asked my father’s picture, and she made many excuses for takeing it doune, becaus it wanted a frame, and was a syse less then hers, which was not true, for my lord measured them both when he went there with hir, but she had forgott that. She promised it me without very much intrety, and said she would caus draw one for hir self the syse of hir oun picture. They lay a-bed till ten, and she goes much sooner to bed then ordiner. She cokers him well up with broath and milk, with strengthening roots. I beleve he needs them all. She was expecting your lord, for he promised to come. She said I cou’d not learne what fine things he hed given hir. I fancie verie litle. I was very much on the reserve whyle there, and did not goe to hir room till I was sent for, which she observed and quareld me for. There was a great dale of ceremony betueen them when I was there; nothing but ‘my lord’ and ‘madam’ pas’d betuen them, but they were at ‘heart’ and ‘joy’ er I cam, and when I was gone he waited on me to Segieden on Saturday afternoon, for there was no crossing sooner. He took it very ill when I wished he might not be the worce with the ill night, and said he was not so tender as some thought him. Ime sure you are wearie reading nonsense, as I am wreten it. My lord gives his humble service to yow, as we both doe to your lord. I cannot persuad him to goe see my lady. . . . Burne this as yow wou’d oblidg, yours, my dear heart. . . . We did not forget Leven’s health on Sunday.”¹

A letter written by the earl to Lady Anna on the first anniversary of the day the contract was signed, and when he was abroad with his regiment, indicates the warmth of his affection for his wife. He writes :—

¹ Original letter, May 8 [1700], in Melville Charter-chest.

“Furne, September 3d.

“MY DEAREST HEART,—You may easily belive that this is a day I shall never forgett. But, to speack plainer, I shall always oun that this day twelfe moneth was the beginning of my happyness in this world, for which, my dearest heart, I can never thank yow as yow deserve. But since sume are still so villanous as to rob the pacquet and take our letters, I shall say no more on this head, lest this should have that fate. Only, my dearest, I dare assure yow that my love for yow encreaseth every day, and it shall not fail to have that effect which yow desire, and which I have promised. And in this I must reproch yow that yow doe not make me that retorn which yow ought, for I am informed from good hands, that yow have not that regaurd to your health which is both necisar and a dewty on yow. Pardon me, my dearest, to chid yow so far this day, for I should have done as much this day twelfe moneth had ther been so much need for it. I think if yow wold but consider with your selfe the arguments that yow could use to perswade me to have a care of myselfe, they should be sufficient to perswade yow to the like. I have wreat to yow thre or four letters since I came to this place, which wee are bussie fortifying. I have this morning gott two letters from yow, on of 9th and on of 20 of Agust. Yow may easily judge how acceptable they wer to me. But alas! when I had read them, espetially the last, it maks this day, which I had designed for a day of mirth, to be a day raither of murning, since I know not but it may be worse with my dearest and my child then when your letter was wreat. This is a very long letter, so I shall only add that if yow love me yow will have a good care of your selfe.—I am, my dearest, unalterably yours,

“For the Countess of Leven, Edinburg Castle, Scotland.”¹

Another letter of uncertain date may also be given as typical of many by the earl to his countess:—

“Munday.

“MY DEAREST,—I have yours of Sunday’s date, and am at least as sorry for your being so sick as is proper for a husband to be for so kind and so incomparable a wife as you are, my dearest heart. I have sent over Doctor Freer, it being fitt that Mitchell and he wait by turns on yow. Mistris Hunter shall be sent in a day, if I send not for yow, which I can hardly resolve upon yett. It’s like a day or two may determine me.—My dear, have a care of yourselfe, and belive I am, ever yours.

“Be assured I will be with yow as soon as possible.”²

¹ Original letter in Melville Charter-chest.

² Original letter, undated, *ibid.*

None of the letters of the countess to the earl seem to be preserved, but one written apparently by her sister, Lady Margaret Wemyss, gives the opinion of her family about Lord Leven. It is addressed to the Countess of Leven. She says :—

“MY DEAR SISTER,—I know you ’ll get a letter from your lord with this post, so I need say nothing of hem, only that I am very glade to se hem look so well, and I beleve he is the best husband on earth, which I know you are suftiently convinced of. I never saw him so uneasie as he was that night he came hear, for he had heard on the roade that you was not well, and had got no word after. He said he would take post nixt day and goe hom if he got no letters that night. Then he fancied my lady¹ had keeped them from him. Yow may se what nead you have to take care of yourself for his sake. We shall take all the care of him we can. My lady has got a very ill cold. She gives her blissing to yow. The Dutchess of Monmouth came to toune on Wedensday. I like my Lady Dalkeith. She looks very good. It is late and Saturday, so I shall end.—My dear, yours for ever,

“December 14th, [16]95.”²

Soon after his marriage, as one letter quoted above shows, the Earl of Leven was required to go abroad with his regiment, as King William in person was leading an expedition in Flanders against the French. There was some delay in the despatch of the troops, which occasioned the following letter to Lord Leven and his somewhat spirited reply :—

“Whitehall, the 16th February [16]9½.

“MY LORD,—His Majesty does not doubt that the regiment under your lordship’s command will be sail’d with this fair wind. However, least there might be any delay in that behalf, his Majesty commands me to signify his pleasure that you cause them to go on shipboard immediatly, if the weather permit, without staying either for recruits or anything else, which, if necessary for the regiment, may by the next opportunity be sent after them to Holland.—I am, my Lord, your Lordship’s most humble servant,

WILLIAM BLATHWAYT.

“Earle of Leven.”

The earl’s reply to this is as follows :—

“Edinburg Castle, February 23.

“SIR,—I had yours of 16, which yow say was by his Majesty[s] order. In answer to which I must tell yow that it’s non of my fault that the regiment under

¹ Margaret, Countess of Wemyss, their mother.

² Original in Melville Charter-chest.

my command is not in Flanders ere now. Yow know I have not the command, so was to wait orders, and the frost has been so great that the convoy ships wold not goe to sea. I have done all I could to haisten this affair, judging it his Majesty's service, and therfor my dewty, and has accordingly given good example to the other collonells by shiping my regiment eight days agoe. Collonell Lawther's regiment was shiped yeasterday, and on batalion of Collonell Beveridge this day, and the rest are to be shiped to-morrow.

"Ther is on thing that I must take notice off to yow, which is that Sir Thomas Livingston sais he has no orders for us what the regiments are to doe when landed, which is vexing. Therfor I wold intreat yow to have orders for them at ther landing. I have shiped a compleat regiment, and so shall need no recreuts at present.¹ They are all in very good heart, and ther only regrait is to stay so long a ship board befor they sail. I hop, sir, yow will give his Majesty account of my diligence wherby yow will very much obleidge, sir, your most humble servant,

LEVEN.

"Mr. Blaithwait."

Lord Leven did not accompany his regiment, but joined it afterwards in Flanders. His letters show that he journeyed by Helvoetsluis (23d June) to Antwerp, where he arrived at the beginning of July.² On the 25th he was still there, and wrote to his wife, who, being in delicate health at the time, had been kept in ignorance of his departure. After referring to the child "which it has pleased God to give us"—his daughter Mary, who was born about this time—he says:—

"MY DEAREST HEART,—. . . I shall say no more of my jurnay, haveing wreat therof formerly suffitiently, I hop, to convince yow of the reasons of my going without your knowledge. All I shall say now is that I am cume this lenth in good health, and am to be at Brussells to-morrow. The armee, they say, lyeth 9 or ten myles from it. It's said here this day that the two armees did engeadge yeasterday, but the event is not yett known here. All I know is from the Master of Stair's man, on Macadam. He is here going for Holland, and sais that yeasterday morning our armee marched from Hall towards the enimie who lay at Engien, within 3 or 4 myles of on another, and that he heard the cannon yeasterday afternoon, and the small shot when he left Brussells at 7 at night. I shall wreat more fully of this by nixt post. I have just now sent to the post house to know newes, and I am told

¹ He was reported at the time to have taken a considerable number of men out of their beds for this purpose; but the statement lacks proof.

² Vol. ii. of this work, p. 240.

that it was only the left wing of our armee did engeadge, and that wee have gained a pass which it seems the enimie and wee wer both stryveing to be masters off, and it's said that Lewt.-Generall Mackay is killed. But I desire not to be the anthour of anie of these newes, not being weell informed. I am apt to belive ther will now be no more action this year. My dearest, have a care of your selfe. I hop wee shall have a merry meetting shortly.—I am, ever yours.”¹

The engagement referred to was the eventful battle of Steinkirk, and the news of the death of his old comrade and commander, General Mackay, was too true. The earl himself does not appear to have been in any action during the campaign. In his next letter, which is dated from Ninove, he expresses the opinion that the war would now speedily terminate :—

“Espeatially since the French are affraid to fight us, which maks them keep them selves in such strong grunds that its impossible for ns to cnme att them. . . . Wee came to this camp yeasterday. This camp useth to be the last every year so it's like to be so this also. My dearest heart, I am very weell. I want for nothing. I have a very good stomack, and wants naither good meat nor drink. I mind yow as I ought so good and kind a wife, and yow shall always be my dearest, dearest heart, and I your most affectionate, L.”²

From Ninove the earl moved to Bruges, whence he writes to the countess on August 23d, old style :—

“My dearest, I came here yeasterday. Wee are six regiments of foot under Ramsay's command, and Lewt.-Generall Talmatch is to cnme to ns this day with fyfe regiments more. I belive wee are to march to-morrow towards Ostend to joine the Duc of Linster, who is now landed ther with the English army. . . . It's said wee are going to fortify a place called Dixmnde near Newport, and it's like that will end this campagne. . . . My horses are cume from England, so I am weell enough mounted. . . . The king is still at Deynse betwixt the French and us.”³

On the 26th August the earl again wrote as he was passing through Nieuport, *en route* for Furnes, and three days later from Furnes, where he was to join the Duke of Leinster. He says, we are “repairing the fortifications of this place, which has long been in possession of the French.

¹ Letter, dated July 25th, old style, in Melville Charter-chest.

² Letter, dated August 11th, old style, *ibid.*

³ Letter, *ibid.*

The Duc of Linster is lying within a league of us with the English armee under his command, and is to join us this day. The French are in great consternation by our army being so near, and in so many bodys. But the season is so far advanced that ther's litle hops of doing so much as wer necisar to humble them as they ought."¹ During the greater part of the following month the earl was at Dixmude, which the army fortified, but were much retarded in their operations by wet weather, and he took his turn of duty as governor of the camp. Writing on 11th September (old style) he says, "Brigadier Ramsay was goucneur last week, and now I am this week, for it goes round. The command is honourable but troblesome. I have six regiments in garrison; the rest of the army are camped without the ports."²

Letters from home having informed the earl that the health of his countess was seriously affected by his absence, and by her fears for his safety, he wrote her frequently on the subject. In one letter he writes:—

"Dixmude, September 9.

"MY DEAREST,—I can abstean no longer from chiding with yow, and I shall leve it to yowr selfe to judge if I have reason or not. Its wreat to me from all hands that yow are very negligent and careless of your health, and that yow are therby becume or raither continous very weak. Sure I am your love to me ought to have ane other effect, and God knous it grives me that it should have such as it haith. I must tell you likeways to take care yow offend not God by so doing, for to be over anxious, and not submissive to what God trysteth us with, is no doubt sinfull, and may be a ready way to provoke him to make us meett with what afflictions wee are too distrustfully affraied off. For no doubt wee ought to depend on God for protection as weell as for salvation, and certainly ther is more reason to be thankfull to him on my account for former protection then to be distrustfull for the future. Its trew, if Gods ways wer as our ways, I and all concerned in me might be affraid of greater judgements to befall me then that of falling by, or in the hands of a French enemie. But he is mercyfull, and I hop will not deall with me according to my deservings, but according to the greatness of his mercy will deall accordingly with me both in time and in eternitty.

You know me better then to think, my dearest heart, that its a matter of indifferency for me to be absent from yow (without anie compliment, my dear, I wer not worthy of yow if I wer so). I assure its heavier for me to bear then ever anie did or shall know. But no more of this melancholy subject. So I

¹ Letter in Melville Charter-chest.

² Letter, *ibid.*

shall now tell yow that befor this cume to your hand I hop to begine my jurnay. You will know by the publick newes when the king goes. Wee hear that he is to leve the great army this day, and to goe for Holand. I have sume thoughts to goe wait on the Elector of Brandenburg, who is at Cleve. This will take a week to goe and cume back to Holand. But if he cume to see the king, as its said he will, that will save my jurnay. Yow wold direct all your letters to me to Mr. Nairn or to be left with Mr. Andrew Russell, marchand in Rotterdam, but to Mr. Nairn will be best, I think. I am, my dearest, yours, if yow have a good care of yourself. Make my compliment to my lady, my sister and brother. The last I had from yow was of 20 Agust."

In another letter from the same place, dated 18th September, he hopes to begin his journey home the following week, and again ehides the countess for her fears :—

"I wonder why yow wer so allarmed at my telling yow wee wer in the French Flanders, for I have always told yow that they dare not fight us. If they did I assure yow ther wold soon be ane end of the war. . . . If the weather had not been very rainie wee had been readie to leve this in two thre days. The king, I hear, is gone from the great army yeasterday for Holland, wher he will stay ten days. I hop to wait on him to England." ¹

The earl left Dixmude on the 23d September with a part of the army under Major-General Sir Henry Bellasis for shipment at Ostend, but their progress was stayed at Nieuport by rain and storms for a week or so. There was further delay at Ostend both by the time necessary for embarking the "great guns," and waiting for the fleet which was to convoy them home. On 19th October the earl writes :—"I hop to be under sail for England by twelfe a eloack this day. All things are makeing ready, and wee have a faire wind, so I hop to be soon in England." Before the end of October he was in London, and in one of his letters to the countess he says :—"I have brought six pritty little coach horses from Flanders to yow for the black horse I took from yow. I have sent him to the Elector of Brandenburg." ² In the same

¹ Letter in Melville Charter-chest.

² The gift was acknowledged by M. Schwerin, the Master of the Horse, who intimated that both the black and the bay

horses he had sent had arrived. He adds—
"They are of a greatness and size such as we desire, and there is no doubt they will please his serene highness." [French letter, 27th September 1692, *ibid.*]

letter he explains why he should have to stay in London for a short time. "I am put in hops to gett sune of my arrears very shortly, which I need much, for Flanders has cost me very dear." But on 29th November he writes:—

"I hop to be as good as my word in my last, for I hop to begine my jurnay this day. I took leve of the king and queen yeasterday. . . . I have no newes. I told yow formerly that Mr. Stewart was made kings advacatt. He was knighted this day. I hop to see yow the 10th except the ways be bad. Yow may be sure I will make no stay at Edinburg."¹

The earl left his regiment in Flanders to take part in the campaign of the succeeding years, but did not return to take his place at the head of it. This was matter of regret to his friends connected with the regiment. Before he joined it in Flanders in 1692, Sir David Nairne,² the agent of the family in London, and who also looked after the financial affairs of the regiment, wrote to him:—"I wish it were with your lordship's conveniency to be in Flanders. Livtenant Collonell Arnott writs that you have many enimies there. I doubt not but your presence wold make many disappear."³ Six months later, after the earl had been to Flanders and returned, Sir David, referring to the lieutenant-colonel, in whose charge the earl had left his regiment, writes:—"They say he is a brave man; yet I wish with all my heart your lordship were well quit of him."⁴ It was reported that this officer absented himself from the regiment when it took part in the action at Namur; and as some of the other officers did likewise, and the regiment behaved ill in consequence, much of the blame was laid on the earl. The king, indeed, was totally averse to colonels being absent from their regiments when on active service, and he threatened to supersede all such as continued to absent themselves. On being informed of this the earl wrote the following letter, evidently to the Earl of Portland:—

¹ Letter in Melville Charter-chest.

² Sir David Nairne was originally a page in the service of Anna, Duchess of Buccleuch and Monmouth, and was sent by her to warn Lord Melville, or rather to assist him in making his escape from arrest when in London. Being himself in jeopardy on this account, he accompanied Lord Melville and

the Earl of Leven abroad, and on their return with the Prince of Orange, was, by Lord Melville's influence, appointed secretary to the Thistle, and to other offices, afterwards becoming apparently an under-secretary of state.

³ Letter, 4th June 1692, in Melville Charter-chest.

⁴ Letter, 24th January 1693, *ibid.*

“Edinburgh Castle, September 5.

“MY LORD,—Being informed that its judged to be prujuditial to his Majesty’s service that any regiment should be without a colonell at ther head, and I being necisarily obleidged to atend here, both in obeidiance to his Majestys commands and the circumstances of this castle does require, therfor I humbly intreat of your lordship that you would acquent his Majestye that he would be pleased to dispose of that regiment which I have the honour to command. I most also intreat of your lordship that you will take this regiment unto your speciall protection, and in particular I humbly recommend the Major therof to your lordships favour, for its he who has been most asisting to me in every thing which conserved the good of the regiment. And this I dare say for him that your lordship shall never repent of any favour you shall be pleased to put on him. Pardon this trouble amongst many others which I have given your lordship, and be pleased to continue your favour to—My Lord, your Lordships most humble and most obedient servant.”¹

Probably the major here referred to is Robert Mackay, whom the Earl of Leven assisted on the field of Killiecrankie. A few days later, on hearing it rumoured that the earl intended to resign, Mackay applied to him for his recommendation of him to the post, not knowing it had already been given. In his letter he tells of the conduct of the regiment in the engagement, and how the lieutenant-colonel was at Louvain, where “he could not but hear our canon, . . . and might have bein with the regiment befor it fired a shott.”² Arnot himself, however, wrote the earl on the subject of the engagement, and from information he obtained at court was able to give Lord Portland’s opinion that the king would not take the regiment from the earl without speaking first with himself (Leven) on the subject.³ But Arnot was superseded as lieutenant-colonel in the earl’s regiment at this time, by Major Keith, of whom Sir David Nairne writes: “I have known him intimately for many years. He is nicely honest, but somewhat peevish, or to give it a Scots name, he is cankerd.”⁴ The earl soon after this did lose the command of his regiment, as this was one ground of complaint in 1695 by him and his father of their treatment by

¹ Unsigned and unaddressed draft in Melville Charter-chest.

² Letter, 10th September 1693, *ibid.*

³ Letter, 3d September 1693, in Melville Charter-chest.

⁴ Letter, 31st October 1693, *ibid.*

the court; but it is possible that this was merely owing to the king's known opposition to absentee colonels being put in force against Lord Leven, as it had been in other cases.

Still, about the time indicated efforts were made to influence the king against the earl and other members of his family, which partially succeeded; so that the promotion which he might naturally have expected was withheld, and younger men preferred. Thus Sir Thomas Livingstone, though he had no interest in Scotland save that of birth, and was a younger colonel, was made commander-in-chief. Then also a deputy-governor was thrust upon Lord Leven in the castle without his knowledge or consent, and the salary attached to the office was given to this man, whom Leven could not trust, because he had formerly deserted the king's service when the pay failed, and many of his relatives were Jacobites. Besides, the appointment, but for the firmness displayed by the earl, would have injured the garrison, which to a certain extent it did, for the earl, being wont to employ his salary for the benefit of the garrison, was now unable to do so, and he only retained the post, though at much personal expense, because he believed it for the king's interest that he should.

Misunderstanding also arose between the commander-in-chief and the earl in respect to the appointment of the master-gunner in the castle. It was an old but undecided question, which of these officers had the right to appoint. The office being or becoming vacant in the earl's time, he talked over the matter with Livingstone, who, as general of the ordnance, claimed the patronage. Leven, being directly responsible to the king for his charge, felt he could not be answerable for those in the castle if appointed by others than himself, yet he agreed to yield if Livingstone could prove his right, and it was arranged that Livingstone should look out a suitable man, who would afterwards be commissioned by the one whose right was established. Notwithstanding this agreement Livingstone gave his commission to an old man, named Lockhart, above seventy years of age, whom the earl refused to receive, and the matter was referred to the decision of the king. He decided against the earl, stating that "the master of the ordnance had the right of appointing the canoneers in all the castles without exception."¹

¹ Letter, Earl of Portland to Earl of Leven, 26th February [no year], in Melville Charter-chest.

Much of this opposition was designed, it is said, that the earl might lose the governorship of the castle, which the Jacobite plotters intended for Annandale.¹ That this was so far true is shown from a statement in a report made by Sir James Montgomerie to King James the Seventh. "If," he says, "Leven could be gott removed from the castle of Edinburgh, and the same putt in any other man's hand that may pretend to it, there might be hopes of gaineing it, which would make your busines easie. There hath been endeavours used at a distance to sound his inclinations, but all to no purpose."² This from a political opponent is flattering testimony to the earl's genuine loyalty to King William's interest, from which, indeed, neither he nor any of his family would allow themselves to be drawn by any allurements whatever.

As governor of the castle of Edinburgh it was the earl's duty to receive and provide for the safe custody of such prisoners as were committed to his fortress. These were chiefly noblemen and gentlemen who had either taken part with or were suspected of favouring the Jacobite plotters. One of these, already mentioned, was the Earl of Seaforth, another the Earl of Home;³ while a third was the Earl of Breadalbane, who was incarcerated to appease the public outcry on account of the massacre of Glencoe. But some members of parliament, among whom was Lord Leven, thought that Breadalbane should not be made a prisoner, and he was not long detained in the castle.⁴ Among others in the charge of the earl in 1696 were the Earl of Strathmore, Lord Drumcairn, Sir William Bruce of Kinross, and Sir William Sharp.⁵

The earl and his family sometimes resided in the castle, one occasion of the countess coming to it being chronicled at the commencement of a household book, beginning at that date, 22 July 1697. But they had also a house or apartments in Edinburgh, these being located in the Canongate in 1692 and later in the Castlehill, adjacent to the castle. At one time, probably in 1696, the earl discovered a plot to betray the castle. In a letter to the countess, dated Edinburgh, April 30th, he writes:—

¹ Vindication in Melville Charter-chest.

² Vol. iii. of this work, p. 230.

³ *Ibid.* pp. 224, 225, 233.

⁴ The Marchmont Papers, vol. iii. p. 415. Vol. ii. of this work, p. 54.

⁵ Orders respecting their custody in Melville Charter-chest.

“MY DEAREST HEART,—I came safe hear yeasterday at 12 aclock, and the most oportunity in the world, for the counsill was sitting, and were takeing sune resolutions concerning the castle. Ther is no express nor post cume since what yow heard of, and its generally said by all persons that if anie invasion be it will be in England and not here. However, folk have been alarmed here by a rumore as if the castle should have been betrayed, and that by sune within it, particularly Lewtenant Crighton. But since I came I have putt him under arreast, and has turned all the ladys and women out of the castle, and does not allow of anie person to enter the castle untill they have my spetiall allowance. My cuming has putt the toun in good heart, for I lay here last night. My dearest, I must beg yow not to [be] frighted, for a dare say that thers no fear. I will be obleidged to stay here till Tewsdays post cume, because the Theasury sitts ane Munday, and ther I must attend to gett provisions for the castle, and I hop by Tewsdays post wee shall know what all will turn too. . . .”¹

Several letters to the countess in December 1695 show that the earl at that date paid a visit to London in connection with his official duties. He had an audience with the king, and spent some time agreeably with his wife’s mother and the Wemyss family, also meeting there the Duchess of Buccleuch and Monmouth.²

The earl was a close attender of the Scottish parliament in all its sessions during this period, and on account both of his high official position and known loyalty, was always a member of the committee for the security of the kingdom. Other committees on which he served were the commission appointed in 1693 for the conversion of the poll-tax into a collection, and that for reporting on controverted elections in 1696.³ In the latter year he signed an address presented to the king by the parliament, in which the signatories congratulated him on the failure of the Popish plot to assassinate his Majesty and invade the kingdom, anew declared their allegiance to him, and avowed their determination to avenge his death should he fall in such wise by the hands of his enemies.⁴

The Earl of Leven seems to have opposed the popular clamour and sided with the measures proposed by the king on the Darien colonisation scheme,

¹ Letter in Melville Charter-chest.

² Letters, *ibid.*; also vol. ii. of this work, pp. 173, 240. Memoirs of the Family of Wemyss of Wemyss, vol. iii. p. 132.

³ Acts of the Parliaments of Scotland, vol. ix. pp. 351, 453, App. p. 72; x. 9, 123, 193, 207; xi. 14.

⁴ *Ibid.* vol. x. p. 10.

which so much excited both the parliament and country at this time. He is generally named as voting against the extreme measures proposed from time to time on this business.¹ And, no doubt, his action was based on sound financial and political economy, as well as upon a desire to defeat the objects of partisans who sought to make the agitation a stepping-stone to another revolution; for to such considerations he was not indifferent, being at or about this time a shareholder and one of the governors of the Bank of Scotland, then just established, and he continued to direct the affairs of the bank all his life.

While the Scottish parliament lasted, the earl generally tabled his protest at the commencement of the several sessions against the precedency given to the title of the Earl of Callendar over his own. From a paper on the subject, written for the earl's information, it would appear that he then contemplated the further testing of the question. But nothing more was done.² Of one debate in parliament, evidently the question whether Lord Montgomerie was to be employed as lord high treasurer for voting in parliament, which came before the house on Tuesday, 29th October 1700, the earl wrote to his wife somewhat triumphantly, on account of the part he himself acted in it. His letter is only dated "Wednesday." He says:—

" . . . Wee had a long battle yeasterday, but no victory in either side, ther being no votte, but wee offered it to them, and they yealded the point in debate raither as ventour the votte. I had the good fortoun to dryve the naill in the debate to the head, so that none pretended to make a reply. And yett wee did not improve the advantage as wee ought. This will make yow vaine, and yow may think me so in telling it. But I know yow will be glad to hear that I do act as good a part as anie other. I was much thanked by the commissioner,³ and other very good judges. . . ."

He then refers to the controverted election for the county of Wigtown, between Lord Basil Hamilton (brother of the duke) and William Stewart of Castlemilk, which was to be considered on the morrow, and in which he anticipated their side would also win.⁴

¹ Acts of the Parliaments of Scotland, vol. x. p. 247; Marchmont Papers, vol. iii. p. 182.

² Acts of the Parliaments of Scotland, vol. ix. p. 350; x. pp. 6, 116, 186; xi. pp. 6, 32, 303.

³ The Duke of Queensberry.

⁴ Letter in Melville Charter-chest; cf. Hume of Crossrig's Diary, pp. 6-8.

In October of this year the earl had an illness, accompanied with a swimming in his head and other symptoms of bodily derangement. But towards the end of that month he was recovering. Soon afterwards, however, he suffered a severe bereavement by the death of his much-loved countess, which took place somewhat suddenly in the castle of Edinburgh on 9th January 1702. Her loss was much lamented, both by the earl and her acquaintances. It was made the subject of some verses which were printed at the time. They characterise her as

“ A lady good and just, while living, dy’d,
While dying, lived, to heaven’s now convey’d.

The maiden Mount outvies the Roman seven,
Gave a wise king to earth, and a great saint to heaven,
Great Britain’s James, and Anna Weems of Levin.

The oppressed’s patron, and the orphan’s stay,
She did her charity to all display.
No interest, passion, or blind prejudice
Could on the reins of her bright judgement seize.
Calm and serene her mind, from passion free,
Like just Astræa judged with equity.
Her husband’s glory, and her sex’s pride,
Who lov’d, admir’d, and all submission paid.”¹

The death of the countess had been preceded a few years by the death of the earl’s elder brother, Alexander, Lord Raith, and it was followed within two months by the death of King William. To the earl, who had been among the first and the firmest of his adherents, this was also a sad stroke. Besides the intelligence of the council, a friendly letter from the secretary of state, the Earl of Seafield, conveyed the news in sympathetic form, and the Electress Sophia likewise condoled with the earl on the loss to the nation and themselves.² She prided herself on being a Scot by extraction, and took a warm interest in whatever related to the welfare of the country. The earl

¹ Scottish Elegiac Verses, 1629-1729, pp. 136-140.

² Vol. iii. of this work, pp. 56, 182.

took an active part in promoting the succession of Queen Anne, and his conduct was commended by the electress, who quite approved of the policy of the constitutional party. His services were also acknowledged by the government. Lord Seafield writes: "Your lordship's friends here are most sensible that your lordship has acted very vigorously and faithfully in the present juncture."¹

He was also one of the few Scottish statesmen who supported the English proposal for the limitation of the succession after the failure of the children of Queen Anne, to the children of the Electress Sophia. The majority of the Scottish parliament, however, led by Andrew Fletcher of Salton, carried another act of security, though the commissioner, Queensberry, refused to give it the royal assent.² At the conclusion of the parliament the commissioner went to court to acquaint the queen with the progress of events in Scotland, and reported very favourably to her Majesty the part the Earl of Leven had acted. A letter by Sir David Nairne, dated 16th October 1703, and indorsed by the earl—"Ordoring me to come up to London by hir Majesty's ordors," states:—

"His Grace, my lord commissioner came hither on Munday last, and on Tewsday went to Windsor, and returned at night, none being with him but myselfe. Yeasterday he went again, and this day had a good opportunity of speaking pritty fully to the queen, yet not soe much as goe to all circumstances of her affairs in the time he had. He did most fathfully give accountt of your lordship's services in soe much that her Majestie is very much convinced thereby both of your honor, honesty, and capacity, and did desire his grace wold write for your lordship to come up hither with as much convenient expedition as you can make. After his grace's long jurny, and soe much fatigue since, with some concerne for his sons being indisposed, he is not able to write by this post, and begs your lordship will for these reasons excuse him. He hopes your lordship on receipt of this will prepaire for Edinburgh (towards your jurny), where there will be a letter from his grace to your lordship, signyfyng her Majestie's pleasure, which your lordship may depend upon is what I hereby tell your lordship. I need not tell your lordship with what satisfaction I heard his Grace represent you, both as to your services to the queen and your affectionat way of

¹ Vol. iii. of this work, p. 182.

² Acts of the Parliaments of Scotland, vol. xi. pp. 70, 73.

performing them with respect to his grace, and I assure your lordship he is most sensible of them, and declairs soe on all occasions. . . .”

The writer in concluding the letter expresses his great desire for a continuance of the warm friendship between the earl and the commissioner, who was likely to be able to serve him, for, he says, the queen received him “with all the kindness he could wish, and tho’ noe others but myselfe doe yet know it, I must tell your lordship that she has declaired to him this day that she will containow with him the trust she has hitherto reposed in him, and that it shall not be in the power of any to alter her in this respect.”

At first, to all appearance, the queen did not really know who were her best friends in Scotland, and offices were conferred on some whom the queen soon saw reason to discard again. At the close of 1702 the Earl of Leven was deprived of the command of the castle of Edinburgh, which was given, by commission dated 31st December that year, to William, Earl of March, the second son of the first Duke of Queensberry. This loss was somewhat compensated by the earl’s appointment, under the queen’s commission dated 1st January 1703, as major-general of all the forces in Scotland.¹ This was prior to the meeting of parliament, and the subsequent recommendation of the Earl of Leven to the queen’s favour above referred to. Queensberry’s account of affairs appears to have led to a resolution to redistribute the Scottish offices, and the earl was not forgotten. Sir David Nairne, in a long letter dated 25th December, without year, but probably written in 1703, and for obvious reasons unsigned, but indorsed with the writer’s name by the earl, gives an account of the meeting of the Scottish statesmen at which these matters were discussed. The letter, however, is limited to that portion of it which relates to Leven. It is of some value as showing the inner working of state affairs at the time :—

“Two or three dayes agoe I was present at a very deliberat reasoning on all affairs with the D. of A.,² the Ch.,³ and two secretaries. There was scarce any thing wee did not goe through. Amongst others what concerned the E. of L.⁴ And first, as to his gift of wards, it was said that noething made a greater noise in King James’ times then the like to the Earl of Pearth ; that it in a manner

¹ Commission in Melville Charter-chest.

² John, second Duke of Argyll.

³ The chancellor, Earl of Seafield.

⁴ Earl of Leven.

subjected all the subjects in the kingdom by turns to that earle; that it put the queen out of a power to oblige people, as par[liament] men, etc., when there are not places enough to give to evrie body, and the granting of the releiff and wards was very often great obligations. Soe that I found, unless the earle condescends to the restriction which was proposed to him by the Earle of Loudoun, the gift will be opposed. I said that the gift was not granted to that earle on a gratuitous compliment, but for ane onerous cause, viz., a debt due, and that it was to containow noe longer then the debt was payd. This did much startle the Duke of Argyll, who knew it not befor, and very ffrankly he said it much altered the cace; and tho' he thought the gift should not pass without the restrictions, yet it ought to be in such manner contrived as to secure the debt. I said that I did not think the earle had any vew by it, but to be payd what was due to himselfe and father, and that if they wold propose any funde to secure the debt, I belived he wold not be tenacious for that gift. They all thought the proposall reasonable, and resolved to let the gift ley by till further consideration and advisement with the earle himselfe.

"Next came to the point of commander in cheiff. They all agreed that he should have it, but it seems the stop he put to the adjutant's commission makes them think he intends a power of nameing all the officers in the armie as they fall, which its thought he should not have—that Ramsay had it once—but King William seeing the inconveniency of it, did recall it. Beside they thought evrie collonell of a regiment ought to have the recommendation of there officers. I said that he was answerable for the armie, and therfor ought to have the approbation of officers; but that as to the puting in or out into particular regiments, I did not beleive he wold by any absolute power, but upon consertion with the collonells, unless on some particular occasions when good reasons might be given for it. Then wee came to the guards, and positively the Duke of Argyll said he had warrants to ley down his uncle's commission, if he had them not. Soe there was noe argueing on that point. I said I beleived the earle wold be as well pleased to keep the castle. That was thought inconvenient too. Yet I found that will be rather agreed to.

"Then it was started who should have the ordinance. It was proposed to me. I said I never had the lest notion that the earle was to lose it, and that if he did I thought he had noe reason to thank any body for the other. It was said it was too many places in one. I instanced others that had the like, particularly Duglass and Sir Thomas Livingston. However, that was let fall. However, I think the earl should be advised to write to the Duke of Marlborough and my lord treasurer on this subject. I have done my pairt here with his other friends of this kingdom.

"Next came in a point of a commission for commissary of the artillery. This the Duke of Argyll proposed, indeed, when he came first up, but I spok to the secretaries about it. Soe it was delayd and I heard noe more of it till then. The duke asked the secretary about it as if it had been done. They said they had not got it from me. Then fury rose. I notwithstanding told them that I thought it ought not to be done without the Earle of Leven's consent. Then I was plaiully told that I had a mind to make that earl sole governour of the kingdom both in civill and military affairs, viz., by the gift of wards and the power of commander in cheiff. I answered very submissively that I thought it my duty to tell the inconveniencys of things proposed, but after that, I was to obey commands and draw what papers I was ordered. The duke roard, and said that it was in his power to prevent anything the earle pretended to, and that seing he has not done it even when his own uncle had soe good pretentions, he thought he might have such a small commission for askeing when he could get it himselfe if he wold aske the queen. I told his grace that I did not doubt but the earle wold be ready to gratyfye him in any thing in his power, and that what letters I had got from his lordship seemed to ley a dependence on his graces favour in caice he should meet with opposition from others, and that what I had now objected to that commission was only what occured to myselfe and consonant even to what he had just said befor, viz., that collonells shoud have the recommending of there own officers, and that this was more immediatly under himselfe as generall of the ordinance aud not as commander in cheiff. After much talkeing he became calmer and took me aside, and desired me to write to the earle about it by way of compliment, that he wold take it kindly if it was done. Now, my poor oppinion is that the earle shoud grant it by way of compliment, for I know it will be done, and if the earle maks the compliment the duke swears he will not oppose his pretention to the commandership, and if otherways he will, and he is pritty positive, and I beleive has soe much interest by that way as to have anything done what he pleases. I know there are many things in this long letter may be usefull to the earle, and when ever I finde any thing that is soe I think I ought [to] finde some way to let him know it, and this is one. I beg you will give him great caution not to let any use he maks of it be as that it may be knowen the information came this way, for I finde I am suspected by some to be too much his servant, but that I think I can not be.

"25 December.

"Pray let me know some merchant in toune there that I may send letters under his covert, and let me know of your receaveing this."¹

¹ Original in Melville Charter-chest.

The gift of wards referred to in this letter was duly bestowed upon the earl by Queen Anne on 20th May 1704, with the limitations agreed upon, so far at least. The signature states that her Majesty, considering the small advantage she had by the casualties belonging to her of the lands held by her as queen or prince and steward of Scotland, whether ward simple, or taxed, or feu, with the marriage, or by non-entry of vassals, holding their lands ward or blench, and also "considering the faithfull services done and performed by her Majesties right trusty and welbeloved cousin and counsellor David, Earle of Leven, and her right trusty and welbeloved consin, George, Earle of Melvill, his father, to her Majestie and her royall brother, King William, of blessed memory, and that there is considerable arrears due to them of their pensions and sallerys for their services in the offices they were employed in by us and our said royall brother," ordains, with consent of her commissioners of treasury and exchequer, a letter of gift of these wards which had fallen in the hands of the crown since the 23d April 1689, and which should hereafter become due (excepting such as had been paid) until the sum of thousand pounds sterling, free of all charges and expenses, should have been paid up, when the gift should, *ipso facto*, become void. In order to a proper accounting it was provided that all sums should be paid in exchequer. It is not clearly ascertainable whether this gift ever became really operative, but the signature is indorsed "November tenth 1704, presented in tresurie. (Signd.) Loudoun."¹

A few months previously the queen had also conferred on the earl a lease of the assize herrings on the east seas between Berwick and Ferryport-on-Craig for nineteen years, from the date of the expiry of a former lease granted by King William the Third to the earl's lately deceased uncle, Mr. James Melville of Cassingray and his heirs. The earl was the heir of his uncle; but accounts show that for each of the years 1705 and 1706 the value of the gift was only £2 sterling.²

While referring to grants to the earl in recognition of his services, etc., it may be noted that there exists in the Melville charter-chest also an old copy letter, unsigned and undated, which bears that a grant had the same

¹ Original signature in Melville Charter-chest.

² Original lease, dated 29th January 1703, *ibid*.

day been made to the earl, probably by King William, of the right "to sett tacks of the haill teynds within the bishoprick and pryorie of St. Andrews that are now fallen or that shall hapen to fall within the space of seven years efter the date of thir presents through the expyreing of the former tacks." These had fallen in the hands of the crown by the suppression of episcopacy in Scotland. The letter directs that the signature, as soon as presented, should pass the great seal *per saltum*.¹

From letters written by the Duke of Queensberry to Lord Leven it appears that he had obeyed her Majesty's summons to come to London. So satisfied was the queen with him that she declared her resolution of being guided by his advice, in conjunction with one or two others, with regard to Scottish affairs. This was communicated to the earl by the Duke of Argyll, with whom matters appear to have been satisfactorily arranged, probably on the footing suggested by Sir David Nairne.² It was considered necessary that Leven should return to Scotland to keep the party there together, in view of the approaching meeting of parliament; and some interesting letters bearing on the political situation passed between the earl and Queensberry and other noblemen. The meeting of parliament was a stormy one, and its proceedings formed the subject of some correspondence between the earl and prominent English statesmen, among whom was Sidney, Lord Godolphin, lord treasurer of England, who assured the earl of the queen's constant regard for him.³

Besides the political situation the earl was personally interested in this parliament in connection first with a petition presented on behalf of the Duchess of Buccleuch about her estate affairs, in which he had acted as one of her commissioners; and secondly, the auditing of the public accounts. He was involved in the latter by being cautioner for his uncle, the laird of Cassingray, collector of the hearth-money, and parliamentary inquisition was now being made into the returns. Apparently in connection with this fund the earl had applied for a royal remission, which, however, the queen was too prudent to grant, though she promised to interpose her authority in case of need.⁴ The matter accordingly came before parliament, and, as his uncle was

¹ Copy in Melville Charter-chest.

² Vol. ii. of this work, p. 184.

³ Vol. ii. of this work, pp. 186, 187.

⁴ *Ibid.* p. 185.

dead, the earl was dealt with as the responsible party, but in a spirit of fairness.¹

After the parliament was over the queen restored the keeping of the castle of Edinburgh to the Earl of Leven by a new commission, dated 17th October 1704. The tenure of the office was, as formerly, during her Majesty's pleasure.² A question afterwards arose between him and the Earl of March as to who was entitled to the castle revenues for that year, and the court of session decided that each should receive the just and equal half.³ The earl was congratulated on his restoration by the Princess Sophia, who also expressed her high appreciation of his devotion to her service, and in this her son, George, Elector of Brunswick, afterwards King George the First of Great Britain, joined her.⁴ Lord Godolphin and the Earl of Seafield also wrote to the earl; the former in his letter refers to another appointment for which the earl had made application through the Duke of Marlborough, that of master of the ordnance. This, however, the queen delayed until Marlborough's return; "She thought it was better to stick to what your lordship had desired, and she had promised."⁵

The delay was not long, as by her Majesty's commission, dated 7th April 1705, the earl was duly constituted master of the ordnance in Scotland, and of the same date he received letters, giving him an annual pension of £150 sterling with that office, in addition to the usual salary of £150.⁶ Soon afterwards, through the death of Lieut.-General Ramsay, the post of commander-in-chief of the Scottish forces became vacant, and as next in command the earl desired her Majesty to prefer him to the office. As both Lord Godolphin and the Duke of Marlborough interested themselves in his favour, the appointment virtually lying in the duke's power, and as the queen was entirely satisfied with the capacities and loyalty of the earl, the appointment was practically made, though it awaited the return of the duke from abroad. In January 1706, the duke wrote to the earl congratulating him on his promotion, and he received immediately thereafter similar letters from other friends to the same purpose.⁷ His

¹ Acts of the Parliaments of Scotland, vol. xi. pp. 170, 171.

² Original commission in Melville Charter-chest.

³ Decreet, 28th June 1710, *ibid.*

⁴ Vol. ii. of this work, pp. 58, 59.

⁵ *Ibid.* p. 188.

⁶ Original commission and letters in Melville Charter-chest.

⁷ Vol. ii. of this work, pp. 189-194.

commission was dated 2d March 1706, and provided that the office should be held without prejudice to his other positions.¹

The earl had now attained to all the posts mapped out for him in Sir David Nairne's letter formerly referred to. Along with the custody of the metropolitan fortress he held the highest military authority in Scotland, co-ordinate with that of John, Duke of Marlborough, in England, with whom, indeed, the Earl of Leven had much official correspondence, which was always conducted in a strain of mutual friendship and esteem.² After the Union, however, there was a reconstruction of the military establishment, and the Scottish office, though not abolished, appears to have been in a manner subordinated to Marlborough's commission. It was found necessary, at least, that the duke "must be master of the ordinance for the whole islands;" but Lord Loudoun, who intimates the decision to the earl, says it would be so done that he should be no loser thereby.³ To the same effect Sir David Nairne wrote, ". . . I think now the establishment is very near ended, and the castle will be to your satisfaction, and you are set down lieutenant generall's pay. But I finde you can not containow to be master of the ordinance, as judgeing it inconsistant with the Duke of Marlborrow's commission. But the queen has promised the pay shall be made up to your lordship, but I believe of this the secretarie will write by the queen's commands. . . ." ⁴ The earl continued to hold the office, probably under the duke.

When Lord Leven became commander-in-chief the appointments in the army were at the will of other officials than himself, such as the secretaries of state and others. But the queen opposed this method, and declared it to be her desire that all appointments should be upon the earl's recommendation. Perhaps this result was indirectly brought about by Sir David Nairne, who in a long letter relates an interview with the queen at which she intimated this desire. When he went to her Majesty to get a number of commissions signed, "she asked me, whom you had recommended?" On Nairne replying that he "was obliged to lay before her the

¹ Commission in Melville Charter-chest.

³ Original letter, 23d April 1708, in Melville Charter-chest.

² Vol. ii. of this work, pp. 183-230 *passim*.

⁴ Original letter, 22d April 1708, *ibid*.

pretentions of severall others, she said she wold not minde any recommenda-
tion but your lordship's, and seeing you was to answer for the manadgement
of the armie she was resolved to hear noe others." Not having the commis-
sions with him Nairne took them next day, and was asked if he "had got the
persons' names from your lordship who were to be filled up?" whereupon he
had to explain he had not, but that there were several to which Lord Leven
agreed. Then he goes on to say:—

"When I offered the commissions she took notice they were blank, and stopt.
I said that as to the captains' commissions I had letters from both secretaries
desireing me to lay befor her majesty the severall pretentions of those who had
wrote. She told me pritty quickly that she thought I had knowen her minde in
these matters, and put me in minde that two years agoe I had told her that it
wold be both for her ease and service to take the generall's advice in all things
concerning the armies; that she had told the secretaries for Scotland that she
wold doe soe, and that tho the circumstances of affairs had not let her goe on in
that manner hithertoo, yet now she wold bring evrie thing to the practise of
England as soon and as near as she could, and that in all affairs of the armie the
secretaries here did not medle in the lest. I told her majesty that perhaps some
might have good pretentions, and if such did complain afterwards her majesty
might justly say that she knew not there pretentions. She told me the Earle of
Leven was better judge for the justness of there pretentions then she; that ther-
for they should apply to him and not to the secretaries. I told her that the
practise hitherto had been otherwayes, but I hope in time they wold be altered.
She further said, and most justly, that she saw noe other effects; that pretenders
writing to the secretaries wold have but to turne all upon her, for they were
acquitt by saying they had laid there clames befor her, and she wold not grant
but to such as she pleasd. Which she plainly said she wold not allow off, and
commanded me to write to both the secretaries, and tell them that if any letters
come recommending any body in the armie, they should not speak of it to her,
but give them for answer to apply to your lordship. And then she said, the com-
missions being blank, she did not know but other names might be put in then
your lordship approved off. I told her that I knew my duty to her majesty soe
well, and had too great honor for your lordship then disobey her commands, or
doe anye thing to lessen the authority she had given you, and which I always
thought was soe just for you to have; and that in this cace, if her majesty
pleased, I wold fill up the person your lordship recommended for the company,
and the charge of my Lord Belcarras sons befor her. She was pleased to say she

did not distrust me, but laughingly said she must take my promise not to let them goe out of my hand till they were filled up, which I very readily past, and soe she signd them, and I have write to the secretaries that I am not to part with them till I have your lordship's directions."

Sir David Nairne then congratulates the earl on the increased authority this would give him, and claims some credit for it, while he expresses his belief that in its exercise the earl will so carry to the secretaries "as if they had the power they have had hithertoo."¹ Besides the interesting nature of this interview with the queen in reference to the earl's position and power, this letter gives an insight into the method in which Queen Anne conducted the business of state, and affords also a pleasing testimony of the confidence she reposed in the ability and integrity of the Earl of Leven.

While the earl was resident in the castle, and about this time, an adventure befell him through the practical joking of some young topers. He was being carried up the High Street of Edinburgh in his sedan chair to the castle. It was ten o'clock at night, and a group of young men of good birth, some of them in the army, had just emerged from a house where they had been drinking. In their frolic they had commenced a dance in the street, at a somewhat shaded spot, when the Earl's chair, borne by two footmen, one of whom carried a lantern, approached. One of the dancers reeled against a bearer, who retorted with an oath, whereupon the dancers suggested to overturn the chair in the mud. Ready for anything, they at once attacked the servants, smashed the lantern, and one of the footmen was wounded by a sword-thrust. Indignant remonstrances were made by the earl, and the rioters were seized by the bystanders. Their alarm was great when they learned whom they had insulted; but the earl did not visit them with any severe punishment so as to incur the loss of military rank. They endured a month's imprisonment, and then, confessing publicly their regret upon their knees before the privy council, were restored to liberty.

The negotiations for union between the kingdoms of Scotland and England were now being brought forward and commanding general attention. Lockhart says that about this time, 1705, the Earl of Leven was made joint-

¹ Original letter, dated 16th September 1707, in Melville Charter-chest.

secretary of Scotland with the Marquis of Annandale,¹ but nowhere is corroboration found of such an appointment. Lord Leven, however, took a very active part in forwarding the union, both as a commissioner and by his vote in parliament, while it occasioned him several visits to London. He went thither in March 1706 with his brother-in-law, the Earl of Wemyss,² who about this time was appointed lord high admiral of Scotland. A song was made about them on this occasion, which commences—

“Let all our forraign enemies
Attack us if they dare—a,
Since Weems is Neptune of the seas
And Leven the god of war—a.”³

As one of the original commissioners on the Scottish side for the union appointed in October 1702, Lord Leven had formerly attended the meetings of the commissioners at London in January and February 1703. In 1706 he was re-appointed, and scarcely missed one of the numerous sittings which took place in London between the 16th April and 23d July, when the commissioners concluded their labours.⁴ In a letter to the Earl of Melville, written on his return from London, and dated 6th May 1706, Sir Robert Murray says: “I left the Earle of Leven in good health, zelous for the union. Some off our commissioners ar weel at court, some weel with the Whigs, bot I knou non so weel at court and the Whigs as my lord your son. I can assure your lordship that no Scotsman is more valued amongst the best of men there than the Earle of Leven.”⁵

At the conclusion of their labours in London, the queen hastened the Scottish commissioners home to carry forward the work in the parliament there. Lord Leven frequently corresponded with prominent English statesmen on the subject, entering into the minute details of the treaty. In his military capacity also he had to act for the furtherance of the work, by quelling the tumults which arose in connection therewith.⁶

At the conclusion of the union the earl was elected one of the sixteen

¹ Memoirs concerning the Affairs of Scotland, vol. i. p. 112.

² Vol. ii. of this work, p. 202.

³ Scottish Pasquils, vol. iii. p. 82.

⁴ Acts of the Parliaments of Scotland, vol. xi., Appendix, pp. 143-191.

⁵ Letter in Melville Charter-chest.

⁶ Vol. ii. of this work, pp. 203-214.

Scottish representative peers, who, by the treaty, were to represent the Scottish nobility in the union parliament at Westminster.¹ The castle at this time received into its custody the state regalia, the crown, the sceptre, the sword of state, and the treasurer's rod of office, and it was ordained that they were not again to leave it. It was their usual place of deposit, indeed, and the earl was their custodier, during his term as governor—for to him in 1705 the Duke of Queensberry had to make application for the sword of state, when instructed to act for her Majesty in conferring the order of the Thistle on the first Marquis of Lothian.² But it does not appear that the earl was present at the last consignment of the regalia to their resting-place in the crown-room of the castle.

About this time, also, the Duke of Queensberry, as commissioner, and the lords of the privy council appointed the Earl of Leven principal steward of the stewartry and lordship of Strathearn and Balquhiddy, and bailie of the regality of Drummond, an office which was held to be vacant through the failure of James, Lord Drummond, who had the office by hereditary right, to take the oath of allegiance to the queen, and sign the assurance. The earl's tenure was to exist only during the pleasure of the council, or until Lord Drummond or his successors qualified themselves. It was a condition of the grant that the earl before entering upon the exercise of the office should take the oath and give the assurance required.³ On the death of his father, on 20th May 1707, the Earl of Leven succeeded to the family estates of Melville, Raith, and others, and became second Earl of Melville, though he did not assume the title.

The attempted invasion of Scotland by a French army in the interests of the Pretender, in concert with a projected rising of the Jacobites in the country, gave rise to much excitement during the early months of the year 1708. When the news reached London that the French fleet had left Dunkirk, Lord Leven, who was at court at the time, returned rapidly to Scotland to take defensive measures and prevent a landing. A British fleet under the command of Admiral Sir George Byng started in pursuit, and constant com-

¹ Acts of the Parliaments of Scotland, vol. xi. p. 431.

² Vol. ii. of this work, p. 191.

³ Commission, dated 24th February 1707, in Melville Charter-chest.

munication as to the enemy's movements was maintained between the admiral and the English commander-in-chief, while Lord Leven also received intelligence from the authorities along the east coast. The Firth of Forth was known to be intended as the point of attack, and the appearance of a large fleet in the Forth gave rise to the belief that the French had come. The troops under Leven's personal command were drawn up on the shore of Leith to resist a landing, but the vessels proved to be the British ships, the French having missed the Firth, and sailed further north.

Another feature of the plan of the invasion on this occasion was the seizure of the castle of Edinburgh. It was known to have been depleted of stores and ordnance, and that there was hardly ammunition enough to serve a few rounds of the guns. Besides, it now contained the "equivalent"—upwards of £20,000—and the crown jewels with which it was intended the Pretender should be crowned in St. Giles' church. Happily, however, the landing of the French did not take place. The coast was too well guarded for the attempt to be made, and they were obliged to return to France without effecting anything, and with some loss.

Lockhart of Carnwath in referring to the episode says that the Earl of Leven in one of his letters to the secretaries of state remarked that in expectation of the expedition, "the Jacobites were so uppish he durst hardly look them in the face as they walked in the streets of Edinburgh."¹ This was soon altered, as numerous arrests among the noblemen and gentlemen of Jacobite proclivities were ordered to be made, and these were effected by the earl. Not a few of the more prominent were confined under Lord Leven's own eye in the castle of Edinburgh, while others were consigned to the remaining fortresses of the kingdom, until orders came for their removal to London for trial. If they were "uppish" before, they were now content to be humble supplicants to the earl. He received numerous letters from those implicated entreating his friendship and consideration in regard to their imprisonment and treatment.² Even Lockhart, who has seldom anything flattering to say of the earl, admits that these were cheerfully accorded, for he says: "He was no ways severe, but rather very civil to all the cavaliers, especially such as were prisoners in the castle of Edinburgh, when he was

¹ Memoirs, ed. 1714, p. 374.

² Vol. ii. of this work, pp. 61-67, 214-227.

governour, from whence he gained more of their favour than any man in the government.”¹ When the danger and the excitement were over the queen wrote a special letter of thanks to the earl for his good services in the contingency, and desired him to come up to London that by his attendance at Westminster he might continue to forward her interests.² It may be noted that on his arrival in Edinburgh in April 1708, for the purpose of taking defensive measures against the French, the Earl of Leven qualified himself by taking the oath of abjuration for acting under her Majesty in his various military offices in Scotland.³

Before leaving for London the Earl of Leven entered into a contract for the execution of certain works on the fortifications of the castle; but he found some months later on his return that the new works went “but slowly on,” as the money was not forthcoming, and without it the masons naturally declined to give their services. The earl, in a letter to the Duke of Queensberry, regretted this niggardliness on the part of the government.⁴ About the same time also he prepared an inventory of the ordnance in the castle, giving the dimensions of each of the guns and of their carriages, and among others he mentions a “brass cannon, commonly called the Green Falcon,” also a “brass falcon, commonly called Queen Marie’s pocket pistoll,” and the celebrated Mons Meg, of which it is stated: “This gun was not cast, but made of iron barrs and girds, commonly called Mons Megg, without a carriage, and disabled by a burst at the reinforce.” The two latter, with a good many more, are set down as inefficient in one way or another.⁵

A new Jacobite scare occurred in each of the following years, 1709 and 1710. In 1709, in consequence of information of a renewal of the attempt at invasion, the earl, who was at the time in London, hastened back to Edinburgh with instructions to ascertain the “humours and disposition of the people, and what expectations they may have about any such design,” using every caution not to alarm the public mind. Some gentlemen had lately gone from France to encourage the disaffected in Scotland, and “the word or

¹ Memoirs, ed. 1714, p. 100.

² Vol. ii. of this work, pp. 68, 248, 249.

³ Extract Act of Privy Council, 9th April 1708, in Melville Charter-chest.

⁴ Contract, dated 3d August 1708, and

draft letter, dated 16th April 1709, in Melville Charter-chest.

⁵ “List of the ordinance belonging to the garrison of the Castle of Edinburgh.” 1708. *Ibid.*

expression amongst them is, 'He will come.'"¹ In reply the earl narrates the rumours of another intended invasion, and draws attention to the unprovided condition of the castles. The Pretender, he informs the duke, according to the intelligence he got, intended to come in person, and to land in the north of Scotland without an army, relying upon his friends here and in the north of England rising in his interest. The earl was on the track of four jesuits who had come over, two Scotch and two French, viz.—“Durhame, a titular bishop, Father Creichtoun, Monsieur Le Fray, and Monsieur La Bat,” and he received a royal warrant to arrest the four jesuits if he saw cause. He ascertained, too, that some of the Jacobites “drink a health to the fouer and twenty of May,” which he thought would be the date of the expected arrival.²

In April of the following year the scare again arose. In a series of letters the earl informs the Duke of Queensberry that the Highland clans were expecting the Pretender in May. He was to be accompanied by troops from Ireland and Spain, and to land at Inverlochy. He was even then (April 28th) said by some to be lurking privately in the Highlands. The King of France, however, had desired two persons of note from Scotland to be sent to him to give some assurance of the reasonableness of the proposed expedition, and Lord Drummond and the Captain of Clanranald were the persons who had been selected for that errand. This was so far authenticated by the fact of their being out of the country. A Highland hunt took place in May, which the Marquis of Huntly attended. Respecting this the earl writes: “I wish this practise of the great men in the highlands were putt a stope too; for houeever innocent the practise may be, yet it is hard to distinguish betuixt jest and earnest. And altho some thousands of men may come together with armes, with noe other designe but to hunt the staig, yet at other tymes such a randizvous may be upon a uorse designe.” In June the earl secured an informant, who stated that in February Captain John Ogilvie had been sent from the court of St. Germain to converse with the chiefs of the Highland clans, to encourage them to stand

¹ Letter, Duke of Queensberry to Lord Leven, 5th April 1709, in Melville Charter-chest.

² Draft letter, dated in April and May

1709, Earl of Leven to the Duke of Queensberry, in Melville Charter-chest. Cf. vol. ii. of this work, p. 68.

firm, and to assure them "that the Pretender was fully resolved to come amongst them that summer and vindicate (as he called it) his own ryt." Each chief was to be constituted a colonel and to have a sum of money for equipping his men. Ogilvie returned to France in March; and on the strength of his report an invasion was projected for May, but on further advice was postponed till August, as then the harvest would be ready, and furnish supplies for both man and beast. Two thousand men were to be sent from Brest to attack and seize Inverlochy (Fort-William), and simultaneously the Pretender was to sail from France with three or four thousand men, and effect a landing at Stonehaven in the Mearns, other three thousand men being afterwards despatched to his assistance. The departure of these troops in small detachments would, it was thought, attract less attention from England. The landing at Stonehaven was fixed for the 15th or 20th of August, and thither the Highlanders were to march (Inverlochy being supposed taken) to accompany the Pretender to Edinburgh, and having been there proclaimed king, he was to advance into England. The Duke of Berwick was to be in command of the invading army.

In his letters the earl greatly deplores the state of the Scottish fortresses, and the remissness of the government in neither fortifying them nor providing them with necessaries for defence. There were but few troops in the country, altogether insufficient both to furnish garrisons and an army to resist an invasion should such be attempted. He complained also of being put to great charges for obtaining intelligence of what was going on, and of "not having received on farthing on that head since the happy union of the two kingdoms." Ascertaining that some five hundred firelocks, with some hundreds of pistols and swords, had been purchased from a merchant in Glasgow to be conveyed to the Highlands, he desired the magistrates of that city to prevent their removal, and obtained authority to purchase them for the government. On another occasion he "was ordered to inquire after some armes that were bought by a Highlandman called Rob Roy, and carried into the Highlands by him." He adds: "These armes, except a very few, I have got into my custody, and has payed them at the same rate that the gentleman bought them."

This correspondence continued till the month of October, during which

the sufficiency of the fort at Inverlochy was criticised adversely by the earl, and also several details in connection with meetings in the Highlands. August passed and no invaders came; but in October the earl was informed by Queensberry of some movements going on at Dunkirk, and warned to be on his guard, but quietly, so as not to give alarm. The earl promised to do his best, but expressed the opinion that for this year the danger of an invasion was over. At the same time he again urged the government to give some attention to the condition of the fortresses, adding that the unfinished state of the repairs commenced at Edinburgh Castle two years previously, and now apparently abandoned, left it weaker than before. In his last letter, which is dated 13th October 1710, the earl informs the duke of the further progress of the intrigues between France and the Highlands, giving the names of the chiefs of clans with whom correspondence was being conducted. Ogilvie was again expected, and the earl had made arrangements for securing him if he came to Scotland. He might, however, come to London, and for the duke's better information he describes him as "of a middle size, neither fair nor black, he has a roman nose, and something pitted with the small-pox, he looks brisk and lively, and is of age betwixt fifty and sixty." He passed formerly under the name of John Greirson; on this occasion he was to be known as John Brown.¹

Nothing further of importance appears to have occurred during the remaining years of Queen Anne's reign in reference to the Jacobites in Scotland. Their cause was now espoused elsewhere. In 1710 a dissolution of parliament took place, and the Earl of Leven was not on this nor on any subsequent occasion returned as a representative peer, though he regularly took part in the proceedings at such elections.² The reactionary policy which was about this time inaugurated by the court of Queen Anne doubtless to some extent alienated the affections of the earl, and all the more when it began to affect the stability of the presbyterian church as well as the principles of the Revolution, which he had ever so strongly supported. Rae says that the faction which then bore sway, in 1712, to further their Jacobite schemes, "drew up lists of all the officers of the revenue of the crown, with

¹ Draft letter in Melville Charter-chest.

² Robertson's Proceedings relating to the Peerage, pp. 8-121, *passim*.

an account of each man's principles, and by whose interest they were recommended to their places; and then made a change of such in their public offices as they thought not disposed to follow their measures."¹ The consequence was that, as the earl's legal adviser afterwards wrote in his reminiscences of the earl's life, "The Earl of Leven was stript of his employments of commander-in-chief, master of ordinance, and governour of Edinburgh Castle, as not being a person fitt to be trusted, about the latter end of Queen Anne's reign." He significantly adds what is a strong testimony to the earl's attachment to principle: "All the gold of Peru would not have tempted him to embark in the scheme then in view."² The earl in a later memorial mentions the date of his dismissal as June 1712,³ and in a letter to the Duke of Marlborough, who was deprived of his offices at the same time, states that it was for his "close dependance upon your grace and firm adherence to his majesties interest."⁴

Considerable arrears of pay being due to the earl in connection with his services to the queen and country, he in April 1713 presented a memorial to the queen on the subject. He stated that at the union, there being no fund for procuring intelligence and defraying contingent charges connected with the office of commander-in-chief, he had personally advanced what sums were necessary for the efficient discharge of his duty in these respects. In 1708 he had represented the matter to her Majesty, when the Earl of Godolphin, as lord high treasurer, gave him assurances that he would be reimbursed of what he had already expended, and a yearly allowance settled upon him for such charge. These promises were repeated from time to time, and the earl estimated his expenditure on this head at over £2000. He stated further, that both before and since the union he had been master of the ordnance and enjoyed the salary of £300 annexed to that office; but that subsequently her Majesty, while judging it necessary to subject the ordnance of Scotland to the management of that in England, yet signified, through the Earl of Mar, then secretary of state, that the salary would be continued to the earl. But beyond the sum received for the first year this had not been paid, so that five

¹ Rae's History of the Rebellion, p. 13.

³ Memorial to King George the First in Melville Charter-chest.

² Vol. ii. of this work, p. 256.

⁴ Letter dated 10th Feb. 1719, *ibid.*

years' allowance, £1500, were now due, and for these two sums, and such further reward for his services as her Majesty should think fit, the earl requested the favour of the queen.¹

Before this, however, the earl had written on the subject, and received a letter in reply from his old correspondent, Robert Harley, now Earl of Oxford and first commissioner of the treasury, to the effect that the queen, in accordance with her promises, did intend to take care of his lordship.² As the memorial appears to have been partly successful, the earl wrote to the Earl of Mar, then secretary of state, who in his reply acknowledges receipt of two letters, and says:—

“ I have spoke to the queen of all the different heads of your memoriall with all the earnestness I could, and her majestie heard me with all the goodness and concern that she ever shows in what relaits to your lordship. As to that point of it, for intelligence and contingent charges dureing the time of your lordships haveing the comand in Scotland, she does not seem to think there is anything due your lordship haveing had appointments as comander-in-chife, and those things being necessary incidents to that emploiment. The next point you mention is a mark of her majesties favour. The queen was pleased to say upon this that there is nothing offers just now for her to do for your lordship. But as she is very well satisfied with your services, when any thing does she will be very reddy to show you her favour, and this she belives your lordship will not doubt of considering with what reddyens her majestie lately ordred that fivetien hundred pounds to be payed you upon account of your pretention of being formerly master of the ordinance in Scotland, after that place being five years sunk. . . . The queen realie shows alwise that goodness for what concerns your lordship that I have no doubt of her showing you her favour when an opportunity offers.”

The Earl of Mar further expresses doubt as to Lord Leven's wisdom in pressing his claims again so soon, and regret at his affairs being so straitened. This he advises him to remedy as speedily as possible, as such a condition of matters could only weaken any claims he might have on royal favour. The

¹ Memorial in Melville Charter-chest, indorsed as having been delivered to her Majesty, and also to the lord treasurer, on 17th April 1713.

² Vol. ii. of this work, p. 229.

queen's late indisposition had delayed the letter, but that was now over, and she was very well, "only she has the gout in her handes."¹

Some months later, however, the earl again insisted, and Lord Mar wrote acknowledging having received other two letters, but had only to report ill success. The earl appears to have entreated restoration to his offices, but on that subject the Secretary Mar writes:—

"I had nothing to say that wou'd have been agreeable to you on the subject you wrote of, for the queen was determin'd how to dispose of those posts. . . . I read your lordship's letter to her Majestie, who askt me if I had not wrote to your lordship since I came from Scotland on the heads of your memoriall as she had directed me. I told her I had, but it seem'd your lordship was straitned, which made you apply so soon again."

The queen instructed Lord Mar to send the memorial with the earl's letter and his own reply to the memorial to the lord treasurer, which being done, they were referred by him to the war office, or to the exchequer in Scotland, for examination and report, and Lord Mar counselled the earl to follow the matter up in the office to which it had been transmitted.²

No immediate results, however, were attained, and on 1st August 1714 Queen Anne died. Amid every expression of loyalty and sincere gratification her successor, King George the First, was proclaimed at Edinburgh on the 4th of the same month. The earl and his son, Lord Balgonie, took part in the proceedings of that day,³ and immediately afterwards they set out for London to welcome to British shores as their sovereign the son of the Electress Sophia of Hanover, who had been the friend and correspondent of Lord Leven from an early period. The law agent of the Leven family, Mr. John Edmonstone, writer, Edinburgh, already referred to, accompanied them as far as Berwick, and he relates that the earl, though now an aging man, was in exuberant spirits, recounting to them all the events of the revolution, and thanking God, with eyes full of tears, that he was yet spared to see his long labours crowned with success, in that he would leave a Protestant king sitting on the throne of Britain. And he frequently bade his auditors to thank God, who had brought about so great a blessing to these lands, of which they

¹ Letter, 26th December 1713, in Melville Charter-chest.

² Letter, 17th June 1714, *ibid.*

³ Rae, p. 62.

would be more sensible when he was dead and gone.¹ The earl was personally known to King George, with whom he had corresponded, and from whom he had received several assurances of friendship.² He accordingly went up in full expectation of having this friendship renewed, and at first he was not disappointed. On the 17th September the king landed at Greenwich, and hearing the Earl of Leven named, looked around for him, and seeing him, stretched forth his hand, brought him within the circle of the guards, and leaning his hand on the earl's shoulder, spoke to him of the days they had spent together at the court of Brandenburg, and asked all about himself and about his family in the most friendly manner.³ It is said that this distinguishing mark of the king's favour to the earl so roused the envy of his enemies who saw it, that by their means, he, from that hour, neither had another interview with the king nor was the recipient of a single favour. He received a formal invitation to be present at the coronation ceremony,⁴ which he obeyed. He remained in London during the whole winter, and both through friends and by letter sought an audience with the king. The following is a translation of a letter he wrote at this time to King George the First, the original being in French:—

“SIRE,—I believed it to be my duty to come here, to have the honour of congratulating your majesty on your happy accession to the throne of Great Britain. I flatter myself, sire, that my zeal and fidelity have been long known to your majesty, and that you will do me the justice to believe that I shall permit no occasion to escape which offers itself of advancing your interests, but that I shall eagerly embrace it.

“I doubt not that many persons will seek to offer their services to your majesty; but I can assure you, sire, that no one shall esteem it more their glory than I, if I be honoured with some employment in your service; and I can say that I rejoice as much as any of your subjects to see your majesty established on your throne. In consideration whereof, and that I have always been constant in the protestant religion, and in the interests of your majesty's succession, by which we see our religion established for ever, I hope that I shall receive some mark of your royal favour.

“It would be presumption in me to circumscribe your majesty in the choice of

¹ Vol. ii. of this work, p. 256.

² *Ibid.* pp. 56-59.

³ *Ibid.* p. 257.

⁴ *Ibid.* p. 69.

such employment, whether civil or military. I therefore cast myself humbly at your feet, leaving it to your majesty to dispose of me as you may find most to advantage. I had the honour to command as general of the queen in Scotland, and was for seven years governor of the castle of Edinburgh. All the time that I was in the service, after the change of ministry, they did all they could to discourage me, in the hope that I would quit my post. But I suffered patiently all these hardships, hoping that if I were continued in that employment I should be in a condition to show your majesty how firm I was for your interest. At last, when they saw that they could not force me to quit my offices or chill my zeal for your majesty's service, they dismissed me therefrom two years since. However, I shall stand all my life in the interests of your majesty, and maintain them inviolable to the last drop of my blood."¹

Either at this time, or at a later date, the earl addressed a "very humble request" to the king, setting forth the sufferings of himself and his father in the interests of the protestant succession, and also his own services in the time of King William and Queen Anne. He further states that at the commencement of the last reign he was one of the first to propose in the parliament of Scotland that the succession should be established in the king's family, the interests of which no one could say that he had ever faltered in his zeal to advance. And seeing that his majesty had now provided the most part of those who had been deprived in the end of the late reign, either by restoring them to their offices, or giving them others, he hopes that in consideration of his long services the king will of his goodness honour him with some employment, or confer on him such pension as he should find convenient.²

As no efforts put forth by the earl to see the king proved of any avail, he was obliged to return home amazed and sorrowful, nay almost heart-broken, at being subjected to such a strange and undeserved neglect. He repeated his efforts after his return by addressing memorials to the king, which were sometimes received, and referred to the treasury, but nothing came of them.

The family agent in his reminiscences states that this neglect was the result of a foul plot to ruin the character of the Earl of Leven with King George; and it unhappily proved effective in terminating his lordship's

¹ Draft in Melville Charter-chest.

² "La trez humble requête du Comte de Leven," in Melville Charter-chest.

political career. It is to be remembered that the ministry in power at the time of Queen Anne's death was of a distinctly reactionary character, and had no sympathy with men such as Lord Leven. Some of his countrymen, struck with the friendly attention shown by the king to his lordship on the shore at Greenwich, and apprehensive that if he became influential at court, their Jacobite designs would not prosper, but would share the same fate as their former efforts under the administration of his father, the Earl of Melville, that very night devised their schemes and put it into the hands of Simon, Lord Lovat, for execution. He obtained the services of one of his clansmen, Major James Fraser, third son of Fraser of Culduthel, who had gone to France in July 1714 to avoid being arrested at home for debt, and had attached himself to Lovat, then at Saumur. Lovat employed him as a messenger between the Pretender and the exiled Jacobites, as well as those in Scotland. He got this man to swear before Lord Islay, a member of the government, that he had been sent from the Pretender's court at Barleduc in France with letters and medals, which were to serve as tokens, to a number of Scotsmen, and in particular that he was charged with a large packet of such to the Earl of Leven, which he duly delivered to him at Balgonie. Lovat further affirmed that he had sent a letter to the Earl of Leven offering his services in the interests of Prince George of Hanover, and that Leven had sent it to the Duke of Perth, to show him how false Lovat was to the interests of the Pretender. Along with Leven, Lovat inculcated the Duke of Athole and Alexander Mackenzie of Fraserdale, as having been co-recipients of letters and medals, and as these two were his mortal enemies, Athole for his foul outrage on his sister, and Fraserdale for opposing his claim to the Lovat peerage and estates, the nature of Lovat's plot is apparent.

The earl only learned of the existence of this plot in the end of the year 1716. He then received a letter from Alexander Fraser in the following terms :—

“ London, December 22d, 1716.

“ MY LORD,—Being befor and since her late majestie's deceass my Lord Lovat's agent or doer here, till within this three months, I had the perfect knowledge of all his intrigues, how and for what reasones he missrepresented severall persons of quality, and among the rest, your lordship, by sending in the

month of December 1714, after his coming from France, on James Fraser, he had there with him, along with me, to the Earle of Isla to assure him that your lordship was an enemy to the government and him; that your lordship corresponded with the court of St. Germain, and particularly with the Duke of Perth, to whom, as the said James Fraser assur'd the Earle of Isla, your lordship had sent a letter of my Lord Lovatt's to your lordship, wherein Lovat made mention to your lordship of his earnest desyre to serve the then Elector of Hannover, and desyr'd your lordship's concurrence and advice to enable him thereto. This letter as the said James Fraser alleadg'd your lordship sent to the court of St. Germain to show them what a traiterous villain Lovatt was to their interest. He likewise assur'd the Earle of Isla that the Duke of Perth had shewen my Lord Lovat's letter to your lordship to him. This with accounts of the like nature against other persons of quality the Earle of Ilay desyr'd to be brought in writting, which accordingly was done, and every particular I putt in writing vouch'd by the said James Fraser to the Earle att my Lord Lovatt's desyre. Other persons of the first rank in Scotland were likewise basely bely'd and missrepresented by the said James Fraser att my Lord Lovat's desyre, as the said James own'd severall times to me. . . .¹

The writer of this letter further states that he had been induced to make known the facts by Captain Neil Macleod on the assurance that he would receive his lordship's protection if he thought good to move in the affair. It seems to have been through Macleod, who was a friend of Lord Leven, that Fraser was induced to reveal the facts at all, and in a later letter he repudiates the character of an informer, in the accepted sense. He afterwards cordially co-operated with the earl in making the truth known to the government.

Lord Leven, immediately on receiving the astounding revelations made by Fraser, took steps to vindicate his character and reputation at court. The rebellion of 1715 had brought him further trouble on account of his continued steadfast adherence to the king. His house of Balgonie was made a garrison by the rebels, and his lands and tenants plundered and spoiled. He intimated the facts of the case to Baron Bothmar. He stated that he believed he had suffered more from the rebels than any others around, and desired that it might be mentioned to the king as a mark of his continued

¹ Original letter in Melville Charter-chest.

zeal and affection, and that he bore all cheerfully on his account.¹ The earl had also to submit to the indignity of having his house in Edinburgh searched for rebels, and the insolent way in which it was done raising his indignation, he remonstrated with the officers, who thereupon, though they searched the house and were in no way hindered, spread the report that he would not allow his house to be searched. This obliged Lord Leven to write to Sir David Dalrymple, then lord advocate, declaring the story in circulation through Edinburgh "absolutely false," and his surprise that *his* house "should be suspected to be a shelter of the king's enemies."²

The Earl of Leven, soon after his discovery of the plot against him, addressed a letter to the king, in which he intimated what had just been brought to his knowledge, declared all Fraser's charges "absolutely false and groundless," and begged his Majesty to allow the Duke of Roxburghe, then secretary of state for Scotland, to investigate the accusations, as he was certain his innocence would be established. To the duke himself the earl sent Captain Macleod with a letter asking that he (Macleod) should be allowed to bring Alexander Fraser before him, and also with a memorial in which the earl vindicated himself. With regard to the correspondence about Lovat with the Earl of Perth, he says :—

"I do posativly affirm that this most be falls for two reasons, furst, becaws I never had any corespondance with Simon Fraser, so I could know nothing what way he was inclyned. Secondly, I do solely declair that I never had, derectly nor inderectly, any corespondance with any person in France since the Revolution, and far les with any, ath[er] att St. Germaines or Barleduce, or any conserved any maner of way with the Pretender; and I am shure if I had been the fool to have been tampering with any conserved about thos two places (considering how much hardsheps my father, his family and myself, mett with from King Charles and King James), the Earle of Perth would have been the lastt man I would have coresponded with, for he was the person who, when my father was forfeit, took a giff of his forfeitor, so I think upon that head, he and I could not have been in frindship together, therfor I hop I have said a nuffe to convince any impartiall judge, that what is said of me upon this head is altogether falls and growndles."

¹ Draft letter, dated 14th and 24th January 1716, in Melville Charter-chest.

² Draft letter, 10th September 1715, in Melville Charter-chest.

Then as to the medals, he stated that his informer would show that they were really intended for "the chiffs of the naim of Fraser," as his defamer had frequently confessed to the informer.¹

The king gave the required permission, and the Duke of Roxburghe took up the case. On the information of Alexander Fraser he ordered the arrest of a servant of Lovat of the same name, but in order to stifle inquiry Lovat's agent, even after the man was in the custody of a messenger, secured his escape and concealed him. For this the agent himself was arrested by a file of musketeers, and would have been sent to Newgate by the duke, but owing to sickness he was liberated on bail. The man, however, was secured later, and gave damaging evidence against Lovat.² The Duke of Athole and Mackenzie of Frasersdale co-operated with the earl in correcting the misrepresentations of Lovat, and Lovat himself wrote to the earl in his characteristic style, denying that he had in any way maligned him to the king.³ Attempts were made to discover James Fraser, the defamer, and in one of his letters, dated 16th September 1717, the Duke of Athole, after deploring an accident which had befallen the Earl of Leven,⁴ and promising to speak favourably for him to the king, as he was on his way to London, states that James Fraser was seen at Dalkeith on his way to the north in disguise in a black periwig; that he had been sought for unsuccessfully in London, and that he was to request an order from the justice-clerk to have him apprehended in the north in hopes of discovering who put "him on this vilany."⁵ These efforts may have been so far crowned with success as to disabuse the king's mind of the idea that the earl was disloyal, but they procured no practical results, as beyond promises of consideration nothing was done for the earl. He felt this treatment extremely, and his anxiety was such that he became dangerously ill at Balgonie. Physicians brought from Edinburgh declared him in imminent danger, so he desired the curtains of his bed to be drawn back as far as possible, and, as his law-agent narrates:—

¹ Draft memorial and letters, February 1717, in Melville Charter-chest.

² Letters, *ibid.*

³ Vol. ii. of this work, pp. 249-253.

⁴ In a draft of the letter, dated 13th September 1717, to which the duke's was a

reply, the Earl of Leven says: "I was this afternoon outt one horsbak with my sherers, and comeing home my hors fell with me, by which I have strained my neck so much and hurtt my head, that I am not able to travell."

⁵ Original letter in Melville Charter-chest.

"In the hearing of the whole physicians and other gentlemen present, he in the most solemn manner, takeing the Almighty God to witness his sincerity, declared that every word in the said affidavit which he caused me read, was absolutely false and without foundation ; that he never kept the smallest correspondence in the course of his life with the pretender, or any of his aiders or abettors, or had ever in thought, word, or deed, swerved in the least degree from his duty to his only rightfull and lawfull sovereign, King George, and in presence of all the company in the room he desired me to reduce to writeing what he had declared, to the end it might be signed by him, if able, that so all in his power might be done to wipe off that most unjust calumny and reproach, which I did, and helpt to support him in his bed when he signed it."¹

This illness of the earl, however, was not fatal. He lived for several years afterwards in retirement. His financial affairs fell into an embarrassed condition, and continued so for many years, compelling him to sell several of his estates. Even in 1716 matters had become so complicated that he was obliged to recall his two sons from their regiment to assist him with these, and to sell their commissions. In a letter to Baron Bothmar, in which he thanks him for his concern on their behalf, he says :—

"I do assure your lordship I doe verry much regrete that I was necessitate to desire my sone to dispose of his commission. But my circumstances are still so pressing, that it is very uneasie and troublesome to me, both to pay the yearly interest of the money I laid out for his commission, and to defray the expense that his attendance at his post puts him to ; and your lordship will easily judge that his pay comes far short of these demands."

Lord Leven then proceeds to say—

"My lord, the great reason of my affairs being in such disorder proceeds from my preferring the publick interest to my own, ever since the very first beginning of the revolution, and I dar say, I neither spared pains nor expense to advance and promote the protestant succession, and the interest of his Majestie and his royall family upon all occasions ; and therefore I still hope my service and familie will be minded when his Majestie shall think fit, and I must again intreat that your lordship will doe me the honour to assure his Majestie of my unalterable zeal and fidelity to his Majestie's interest and service." . . .²

¹ Vol. ii. of this work, pp. 257, 258. Declaration printed in vol. iii. p. 243.

² Draft letter, 30th August 1715, in Melville Charter-chest.

To the same effect he repeatedly pressed his claims directly upon his Majesty. Taking advantage of the opportunity of congratulating the king on his return from a visit to the Continent in 1719, and after referring to his former services, he says :—

. . . “ But suffer me to inform your Majesty that such was my zeal for the public service that thereby my own affairs have been altogether neglected ; so that by the great debts which I have been obliged to contract, my family is in imminent danger of falling into ruin. For these causes I take the liberty of casting myself at the feet of your Majesty, praying very humbly that your Majesty will have the goodness to think of me, and to do something on my behalf, that so I may have the means of preserving my house from the ruin which threatens it.”¹

In addition to his own countrymen in office, such as the Duke of Montrose, and also Baron Bothmar, the earl obtained the services of Baron Bernsdorf, the Duke of Marlborough, the Earl of Sunderland, and others, to intercede for him with the king,² but evidently to no purpose, as neither offices were given nor pensions bestowed, nor, indeed, relief of any kind.

It bears out the earl's statement of the neglect of his private concerns in his zeal for public affairs that, though his father died in 1707, and his elder brother, Lord Raith, in 1698, he did not obtain himself served heir to them until the year 1717, though he was served heir to his uncle, James Melville of Cassingray, in 1714.³ He was in debt to the Crown for the non-entry duties of the estates, and in or about 1720 he presented a petition to the king that these might be remitted on account of the services and sufferings of himself and his father in his behalf, but the result of the petition has not been ascertained.

In the earlier period of his career the earl added the estate of Newton of Rires to the family possessions, by purchasing it in 1691. He also purchased Drumeldrie, Johnstone-mill, and others, from James Lundin of Strathairlie, and gave them to his son, Alexander, as part of his patrimony.

In 1692 he proposed to execute a new entail of the Leven estates in favour of himself and his heirs-male, then to pass to the second son of his brother,

¹ Draft letter in French, 6th December 1719, in Melville Charter-chest.

² Letters, *ibid.* ; vol. ii. of this work, p. 253.

³ Retours in Melville Charter-chest.

Lord Raith, and his heirs-male, then to Mr. James Melville of Hallhill and his heirs-male; failing these, to the eldest heir-female of the earl, and afterwards to Robert, Master of Burleigh, George, Earl of Melville, and their respective heirs-male; and failing these, to the eldest heir-female of the Earl of Melville; then successively to James Melville of Cassingray, and his heirs-male or female, Alexander Melville of Murdochcairn and his heirs-male, David M'Gill, younger of Rankeillor, and his heirs-male; whom all failing, to the second son of David, Lord Elcho, and his heirs-male, to Lord Henry Scott and his heirs-male, and failing them, to the second son of James, Earl of Dalkeith, and his heirs-male, or to such person or persons as the Earl of Leven might appoint.¹ This entail, however, does not appear to have been made; but the earl shortly afterwards obtained a substantial reduction on the duties paid to the Crown for his Balgonie estates.

When the first Earl of Leven had his lands erected into an earldom his holding of the crown was blench, and he chose a feather as his symbol of recognisance. Nothing was ever paid for the lands until 1675, when the lords of exchequer put a money value upon the feather—£100 Scots yearly. In 1694 the earl took exception to this amount as being exorbitant, and in a petition to the lords commissioners of the treasury and exchequer, pointed out that their lordships had put no such value upon other like blench holdings. He instanced in this respect Smiddiehill and Brewhouse belonging to Newton Falconer, held for a pair of gilt spurs, which were rated at £8 Scots formerly, and converted to £1, 6s. 8d.; and Houstoun, pertaining to Glenfarquhar, which had the same symbol, and was rated at £8 Scots, but converted by their lordships to 13s. 4d. The lord advocate, to whom the matter was referred, instanced further that £8 Scots was the usual rating of a pair of gilt spurs in various parts of the country; that the blench duty of Plenderleith, in Roxburghshire—a flower of gold—was estimated at 18s. Scots; that of Pitsligo, in Aberdeenshire—a penny of gold—at £10, 13s. 4d. Scots; that of Castlehill and Thirstoune Castle—a crown of the sun—at £10 Scots; and that of Allinstoune and Dades—a third part of a pair of gloves—at £1 Scots. He also expressed the opinion that the rating of a white feather at £100 Scots was “singullar and far above examples of

¹ Memorandum by Sir William Hamilton, 1692, in Melville Charter-chest.

the lyk nature," and the commissioners found "That the hundreth pounds Scots whereunto the pannashe or whyt feather was estimate haith been through some mistake overvalued, it being far above the true value therof," and they accordingly reduced it to £10 Scots yearly, to date from July 1690, when the last balance was struck.¹

After the death of his elder brother, Lord Raith, in 1698, the Earl of Leven became heir-apparent to the Melville estates, and his father disposed these to him and his heirs-male in 1706. Previously, in 1700, the Earl of Melville had disposed to the Earl of Leven, "our most duetifull sone," all his movable property at the time of his decease, under burden of his debts, and certain legacies to members of his family.² But in the disposition of 1706 he made over to him and his sons successively his estates, comprehending the lands of Monimail, Letham, Monksmyre, Edinsmure, Raith, Balwearie, and Pitlair.³ As already stated, he succeeded to the title and honours of Melville on his father's death, soon afterwards; and in 1710, the Earl of Leven, in view of his own dissolution, having previously provided for his younger children by bonds over the estates, made his testament, in which he appointed George, Lord Balgonie, his eldest son, his sole executor. In 1716 arrangements were made for the marriage of Lord Balgonie with Lady Margaret Carnegie, eldest daughter of David, fourth Earl of Northesk, and the Earl of Leven then made over all the estates to his son in fee under the burden of relieving him of his debts or most part thereof. These were at this time nearly £400,000 Scots, for payment of the interest of which alone the earl frequently expressed the greatest concern in the then great scarcity of money in the country.

In the following year, 1717, the lands of Inchleslie were sold to Colonel Patrick Ogilvie, brother of James, Earl of Findlater, for £11,454, 0s. 10d. sterling, in order to satisfy some of the most pressing creditors. Raith was next put into the market, and was only, after considerable delay and disappointing negotiations with others, sold by public roup in 1725 to Mr. William Ferguson, the ancestor of the present possessor. Lord Balgonie died in 1721, to the great grief of his father, and it was as tutor of his grandson

¹ Extract Act in favour of the Earl of Leven, dated 5th January 1694, in Melville Charter-chest. ² Disposition, *ibid.* ³ Signature for charter, dated 31st July 1706, *ibid.*

that Lord Leven sold Raith and some other lauds, among which were Carden, Westfield, Drumeldrie, and Cassingray.

Among other matters connected with the financial affairs of the earl may be mentioned a long and tedious plea in 1719 with the executors of Viscount Frendraught, which was only terminated by a compromise through arbitration. For some time he acted with his father and others as a commissioner on the Buccleuch estates for the duchess, and like his father was involved in an unhappy litigation on that account, and also in pecuniary loss. Then the heavy liferent provision, which the lords of session ordained should be paid to Mr. Francis Montgomerie from the Leven estates, was a lifelong burden to him, as both lived about equally long. In 1720 the earl mentions, in a letter to the Duke of Montrose, his still having to pay this yearly, "which indead straitens me so much that I am not able to clear anuall-rents yearly, which makes me rune more and more in debt."¹ To assist him in some measure, the earl, on the death of the Marquis of Annandale in the following year, asked Montrose to recommend him to the king for the post thus left vacant—apparently that of keeper of the privy seal—but if the recommendation was made it was not successful.²

The earl died on 6th June 1728, and was buried at Markinch on the 12th of the same month. He was in his sixty-ninth year. He had by his countess, Lady Anna Wemyss, issue as follows:—

1. George, Lord Balgonie, who was born in January 1695, and was named after his grandfather, the first Earl of Melville. He entered the army as an ensign in Brigadier James Maitland's regiment, and afterwards held the commission of captain in the third regiment of Foot Guards,³ commanded by the Earl of Dunmore, but sold it in 1716. He in that year (contract dated 27th July) married his cousin-german, Lady Margaret Carnegie, eldest daughter of David, fourth Earl of Northesk. Their mothers were sisters, and from their correspondence it appears that the two cousins were by them destined for each other from infancy. Lord Balgonie was also in that year placed by his father in possession of the Leven and Melville estates, and they afterwards acted in concert respecting them. He took part with his father

¹ Draft letter, dated 24th May 1720, in Melville Charter-chest.

² Draft letter to the Duke of Montrose, dated 24th January 1721, *ibid.*

³ Commissions, dated 11th March 1704 and 17th April 1711, *ibid.*

in the proclamation of King George the First at Edinburgh, and afterwards accompanied him to London to welcome the king on his arrival in Britain. He was a most affectionate son, and gave every promise of an honourable career. But this was cut short by his premature death, on or about the 20th August 1721, in the 27th year of his age. Lady Balgonie took the death of her husband so sorely to heart that she did not long survive him. Her father, the Earl of Northesk, in a letter to Lord Leven, says: "I must say I think my daughter has just cause of sorrow, for a kind husband's loss, but I wish she moderate it, as her duty to God, and the care she should have in view of his children requires, tho' this is more easie to enjoyn then practise. Besides hir, I think we have all lossed a good frind, and have too good reason to regrait it."¹ A few months later, however, Lord Leven, writing to the Duke of Montrose, says of Lady Balgonie: "She has been decaying daily ever since your grace saw her, and we have but little hopes of her recovery." She died on 7th July 1722.² They had issue one son and one daughter.

(1) David, who succeeded his grandfather as fourth Earl of Leven and third Earl of Melville, and of whom a short notice follows.

(2) Lady Anne, born on 7th April 1721, and died in 1723.

2. Alexander, who succeeded his nephew as fifth Earl of Leven and fourth Earl of Melville, and of whom a memoir follows.
3. James, who is mentioned in certain legal papers connected with the executry of the third Earl of Leven, as his lawful son, but save that he was still alive in 1738, nothing further is known of him.
4. Lady Mary, born in July 1692. In 1708 she married William, Lord Haddo, afterwards second Earl of Aberdeen, and died in 1710, leaving a daughter, Lady Anne Gordon, who became Countess of Dumfries and Stair.
5. Lady Margaret, born in March 1696, and appears to have died in infancy.

¹ Original letter, dated 29th August 1721, in Melville Charter-chest.

² History of the Carnegies, Earls of Southesk, by Sir William Fraser, K.C.B., vol. ii. p. 391.

Leven Balgonie

XII. 1.—DAVID, FOURTH EARL OF LEVEN AND THIRD EARL OF MELVILLE.

Born 1717 : Died 1729.

On the death of David, third Earl of Leven, his honours and estates devolved upon his grandson David, the only son of George, Lord Balgonie, and Lady Margaret Carnegie. He was born on 17th December 1717, and apparently in Milne's Square, Edinburgh. Lord Balgonie, writing to his father to forward his wife some money for requisite preparations a little before, says: "She lodges in Mills Squair, the hous below wher my aunt Burlie stayd."¹ After his father's death in 1721, he was styled Lord Balgonie. He carried on a correspondence with his grandfather, and several of his juvenile productions are still preserved at Melville. One may be given as a specimen:—

"My dear grandpapa,—I received your letter from Blackfoord this evening, and am very glad that your lordship is in good health. I have given orders for making the cream cheese and the butter. The servants are all busy with the hay. I have ordered to send your bit cheese and some butter, and the Bighty horse and another work horse. I give you thanks for the muir fowls your lordship sent me. My sister and I are in good health, just as you left us. I give my humble service to my uncle, and am just going to my bed. My dear grandpapa.—Your affectionate son,

"Melvil, June 24th,

"Monday, 1723."

Balgony

His father having held the fee of the estates, the young lord was on 9th June 1722 served heir to him, and his grandfather was appointed his tutor and guardian. He succeeded as Earl of Leven and Melville on his grandfather's death in June 1728, and as he was still only in his eleventh year, his uncle, Alexander, took charge of his affairs. But he did not enjoy his honours long, as he died in June 1729, when these devolved upon his uncle as his heir.

¹ Original letter, dated 17th November 1717, in Melville Charter-chest.



ALEXANDER, FIFTH EARL OF LEVEN,
DIED 1754.

XI. 2.—ALEXANDER, FIFTH EARL OF LEVEN, AND FOURTH EARL OF MELVILLE.

MARY ERSKINE (CARNOCK), HIS FIRST WIFE.

ELIZABETH MONYPENNY (PITMILLY), HIS SECOND WIFE.

1729—1754.

Alexander Leslie, fifth Earl of Leven, was the second son of David, third Earl of Leven, and was born in or about the year 1699. He probably received his baptismal name in honour of his distinguished ancestor, Alexander, first Earl of Leven. The earliest notice of him in the family papers is a bond of provision by his father in December 1702, granting to him, in addition to the lands of Drumeldrie, Johnstone-mill, and others, a sum of 40,000 merks as his portion. In 1710 this provision was increased to 100,000 merks, the lands, however, being apparently excluded.¹ He was at Melville in April 1713 attending a funeral, apparently that of his grandmother, Katherine, Countess of Melville, and he wrote to his father, who was not present, stating who were there, although his juvenile epistle is not very intelligible. He is more interested in a present from his father,—“I hope your lordship shall find the giting over of the two litel mears shall encourage me to my book; I cannot express how much I am oblidged to your lordship for alowing them to me.”²

He was educated for the legal profession, and, according to the practice of the time, was sent in September 1715 to Leyden, in Holland, to complete his study of law. He had previously obtained a commission as ensign in the same regiment as his brother, Lord Balgonie, the third regiment of Foot Guards, under the Earl of Dunmore as colonel. When he was on the eve of setting out for Holland, he received an order from his colonel to join the company to which he belonged, an order which caused him some difficulty. His father wrote on his behalf to his friend, Count Bothmar, representing the circumstances and pleading for a dispensation:—

“My lord, I doe assure your lordship that were my sone of age, it would affoord me the greatest pleasure to have him attend his Majesties service, but he is only about fifteen years old at present, and therby very unfitt for service. He has been

¹ Bonds of provision in Melville Charter-chest.

² Original letter, *ibid.*

at school, and is still following his book, and now fit for goeing to Holland to prosecute and perfect his studies. Therefore I most humbly intreat your lordship to represent my sones case to the king, and at the same time lay my most humble request before his Majestie, that he would be graciously pleased to dispense with his attendance, untill he perfect his learning and be of age, and therby more capable to serve his Majestie in attending his post."

In a postscript the Earl of Leven entreats Count Bothmar to prevent Lord Dunmore disposing of young Leslie's commission "under pretence of his absence."¹ He also wrote to the Earl of Dunmore and Brigadier John Stewart, in similar terms,² the requisite permission was obtained, and it was renewed two years afterwards. Mr. Leslie at Leyden was under the charge of Mr. Charles Mackay, afterwards Professor of Civil History in the University of Edinburgh, with whom he formed a lasting friendship. In November of 1715 he wrote to his father, expressing pleasure at learning the family were well. He adds :—

"I shall endeavour to be as frugal as possible, and I hope to have your lordship's approbation upon that account at our meeting. I should deserve the worst things the world can afford if I did not studie to please such a gratiuous father in every thing were it never so difficult. I hope that by application I shall be able to master this very difficult task (I am sure if your lordship had knowen what toil and pains it costs me every day you would never [have] allowed me to cume here), but it will take longer tyme than your lordship mentioned to me at our parting, two years, but your lordship may do me the justice to expect [that] all that lyes in my pour shall be down, that I again may have the pleasure of waiting upon your lordship and my brother."

The writer incidentally refers to the difficulty of getting passports to leave Holland. He concludes, "I am very happie in my lodging, for I stay in the same house with the laird of Salton's nephew, who is a very prittie young gentelman and very oblidging to me."³ The climate of Leyden, however,

¹ Letter, dated 4th August 1715, in Melville Charter-chest.

² Letters, 9th August, *ibid.*

³ Original letter, 22d November 1715. This nephew of the laird of Salton was probably Mr. Andrew Fletcher of Milton,

afterwards Lord-Justice Clerk, who was educated there. He was the son of Mr. Henry Fletcher, brother of the celebrated Andrew Fletcher of Salton, and Margaret Carnegie of Pitarrow, was born in 1692, and called to the bar in 1717. He was pursuing his legal studies at the date of this letter.

appears to have disagreeably affected the health of the young student. In January and June of 1717 we find his brother and father writing in anxiety about his health, but they express confidence in Mr. Mackay's care of him. In June Lord Leven writes to Mr. Mackay that his son should not be discouraged by his ailments, and adds:—

“I had an account of him yeasterday from Mr. Charles Erskin, brother to Sir John, which was most agreeable to me; tell my sone that it is a great comfort to me to hear folk give such character of him, let him be assured of my tender affection, and what I recommend to him is his duty to God, and nixt care of his hoast [cough]. I am very weel informed of your care of my sone, for which I thank you.”

In a postscript the earl sends his “service” to Lord Elcho, the Duke of Queensberry, and others who appear to have been travelling in Holland, and also desires to be told how his son is to pass his holidays.¹ A letter from Mr. Mackay to Lord Balgonie in the following October implies that he and Mr. Leslie had been travelling together, but gives no particulars of the journey. Mr. Leslie, he says—

“aggreed very well with travelling, and was very curious in observing everything worth his notice in the severall places we pass'd through. We returned just in time to the sitting down of the colledges, and since that time he has been very busy. The colledges he attends this winter are upon the Institutions of the Civill Law and Pandects, universall history, and a colledge upon Florus. With the pains he gives at present he would make charming progress in the law if he were sufficiently master of the Latin. I presume your lordship will believe that I am not wanting to give him any little assistance, so far as I am capable, in his studys. . . . The tea he sent your lordship was entrusted to the care of Captain Spence's mate, who was to sail from Rotterdam above a fortnight ago.”²

Alexander Leslie was still at Leyden in December 1718, when he writes to his brother, Lord Balgonie, expressing the hope of “a mirrie meeting” soon, and about a “cutting knife” which he recommends:—

“I wrot to your lordship about it once before, and told your lordship that all the Duch people make use of it, which is en infallaball mark that it is usefull.

¹ Original letter, 22d June 1717, in Melville Charter-chest.

² Letter, dated 26th October 1717, *ibid.*

I am told that if you give a horse but half as much corn as ordinary mixed with straw after it is cut, that he will fatten much sooner then if he had double corn. If it does fail, the expence of it is very small, so that we will lose but little ; it is pritty difficult to make it cut, but no doubt Sandie Scot knowes the way, for they were much made use of in Flanders in the camp. . . . I shall presume to put your lordship in mind that if you want Holland for shirts, I shall endeavour to furnish you or my lord [Leven], but they must be made and washed here for fear of duty, therfor if your lordship wants any I must know by the first occasion. I hope your lordship will mention the price. I have taken of two duzen for myself, for I will perhaps never have so good occasion again.”¹

Mr. Alexander Leslie was admitted in due form as an advocate before the court of session on 14th July 1719.² This was not done, however, without applying to Lord Dummore to allow him to return home to be received into the ranks of the legal profession. A promise was also made that he would continue in the king's service, but shortly after his being made advocate he applied to be allowed to dispose of his commission.³

In 1720 Mr. Leslie was in London, where he, like so many others, was affected by the South Sea Company mania. This appears from a letter to his brother, Lord Balgonie, which also refers to a proposal to sell the lands of Raith. He states that he had spoken to several gentlemen as probable buyers, one of them being Colonel Charteris, but they all made difficulties, and the affair did not progress. He writes:—

“I find they are all very nice and indifferent, land being so high, and I am advised to acquaint your lordship that there is no time to be lost, nor can you reasonably expect so much as proposed at parting, for they say that when they buy at forty years' purchase they make but two per cent. of there money, so it is much better for them to keep it in the stocks ; this they say alreadie ; but further people are of opinion, that the South Sea Company will declair a greater dividend then the present, and in that case land will fall to its ancient standert, for then every bodie will be fond of keeping in the stocks. . . . I am now to acquaint my lord [Leven] and your lordship that there is to be a new subscription very soon. I have both the Duke of Montrose and Earl of Rothes promise

¹ Letter, 6th December 1718, in Melville Charter-chest.

² Extract Act of Admission, *ibid.*

³ Letters, 3d February and 30th July 1719, *ibid.*

that they will do their utmost to procure me a subscription, but this I relay little upon, for its to be presumed that they will imploy all there intrest that way in procuring to there oun friends, but I am advised by severals who understand those matters fully and are very capable of giving advise, such as Sir David Dalruple, Harry Cunningham, &c., that the only way would be if my lord [Leven] would be prevailed upon to writ to the Earle of Sunderland that he might be one of the Treasury list, but this I know my lord would not incline because that would be reckoned a favour, and so he would have the less to aske afterwards. My lord's only way therfor, as they say, would be to writ a separat letter to Sir John Phellis, sub-governour of the South Sea Company, and a general letter to the directors ; all that would be necessary for my lord to say [is] that he had not as yet had any concern in the South sea, and that he would take it as a great favour if they would allow him a subscription (or two) as you incline. This is a thing commonly done and scarce ever refused."

He proposes that his father should take one "subscription," Lord Balgonie a second, and himself a third, as "every subscription is realy 2 or 3000 pound clear gain, with almost no hazard." He further writes :—

"The want of money here is a very great loss to me, for there can be nothing done without money and there can be non got, unless one would give 5 per cent. a month. Since I came here I had an opportunity of making 4 or 500 pound if I had had money, nay, Paterson was so generous as to offer to advance me 500 pound upon my bills for Scotland (which was a great favour as matters goes here, for its the richest man here can command lest, all there money being in the stockes), but this your lordship may be sure I would not do, when I had not advertised you of it ; I understand it will be the same way in Holland, for I saw a letter from Carstairs at Rotterdam to a gentleman telling him that there never was such demands for money as now in Holland, and that he, nor no marchand in Holland, could do any service to any without they either brought ready money with them or credit. People here are still perswaded that the States will go into some measurs very soon ; I cannot yet be determined when I will be readie to go, for I have not yet seen the Earle of Dunmore, but the duke tells me I cannot git liberty to sell without the king's consent.¹ . . . I most now earnestly beg that your lordship will fall upon some way [to] git me credit for 500 pounds as soon as possible, for the loss of a day is very considerable. This 500

¹ This relates to the intended sale of the writer's military commission, which apparently was not yet disposed of.

pound may be of more use to me just now than all my patrimony at another time ; without this I may just come home again, for its impossible to git any thing done without money."

He concludes with a proposal that Lord Leven should borrow money from the Bank [of Scotland], Lord Wemyss, or some other source. This letter, however, was written towards the end of July 1720, and a few weeks later the run on the South Sea stock lessened, its value in the market decreased, and thousands who had advanced money on the shares were ruined. The delay, therefore, which took place in procuring the money probably saved Mr. Leslie's fortunes and perhaps those of his family also.

When in his twenty-second year Mr. Leslie married, on 23d February 1721, Mary Erskine, eldest daughter of Colonel John Erskine of Carnock, with whom he received the sum of 18,000 merks Scots of dowry. A few months later he had to mourn the death of his elder brother, Lord Balgonie, to whom he appears to have been much attached. After that event, which took place in August 1721, he seems to have been much with his father, and to have assisted him in the management of the family estates. This appears from letters to him, and, among others, one from his wife, who, writing from Culross in May 1723, urges him to do all he can to promote the comfort and cheerfulness of his father.¹ The character of the writer comes out pleasingly in her letters, only two of which seem to have been preserved. Although not strong, and indeed apparently of a consumptive tendency, she writes cheerfully to her husband and his father, then an ailing man. She wishes Lord Leven to induce her husband to go straight from Melville to Edinburgh, and not to take the long route by Culross, dwelling playfully also on a slight improvement in her health. To her husband she writes desiring that he would rather remain with his invalid father than come to her, and only requiring that he would let her know regularly how he is. He appears to have appreciated her feelings and provided her with a carriage that she might gain fresh air without fatigue.² Mrs. Leslie's mother also was an invalid, and whether this increased her debility is not clear, but she died

¹ From one sentence in the letter it might be inferred that Mr. Leslie was a member of the General Assembly for 1723, but it is not

certain.

² Letters, dated 6th and 10th May 1723, in Melville Charter-chest.

only two months later, on 12th July 1723, much to the grief of her husband, who has left on record a testimony of his sorrow. On her deathbed Mrs. Leslie expressed an earnest wish that their infant son should be brought up in the strictest Presbyterianism, and this request was incorporated by her husband in a manuscript containing religious advice for the benefit of his successor.¹ Colonel Erskine, after his daughter's funeral, wrote to Lord Leven expressing pleasure to know that he and Mr. Leslie were so far safe on their way home, and desiring to know how they "and sweet little Davy" (afterwards sixth Earl of Leven) were. He adds that he is deeply sensible "of the particulair regaird and esteem you had from first to last for my dear daughter."²

Within three years Mr. Leslie entered into a second marriage, on 10th March 1726, with Elizabeth Monypenny, daughter of the deceased Alexander Monypenny of Pitmilly, and sister of Mr. David Monypenny of Pitmilly, advocate. This lady had a dowry of nine thousand merks Scots, but the writ narrating the contract is so destroyed by damp that the provisions contained in it cannot be clearly ascertained.³

During the year 1727, if not before that date, Mr. Leslie held the office of provost of the burgh of Kirkcaldy, and in March of that year he was appointed to represent the burgh as an elder in the ensuing General Assembly of the Church of Scotland.⁴ On the death of his father, in 1728, Mr. Leslie acted as executor of his trust-estate, and as guardian of his nephew, David, fourth Earl of Leven. He paid out for funeral expenses, apothecaries' bills, and other preferable charges on the estate of the deceased David, third Earl of Leven, the sum of £3992, 6s. 11d., for which, on 6th November 1728, he obtained before the commissary of St. Andrews a decree of cognition against his nephew and his own younger brother, Mr. James Leslie.

On the death of his young nephew, in June 1729, Mr. Alexander Leslie became fifth Earl of Leven and fourth Earl of Melville. One of his first acts was to increase the settlement made on his wife by their marriage contract, and to make provision for his younger children suitable to his new rank. He also applied himself to pay off the debts on the estates, and to develop their

¹ Manuscript in Mr. Leslie's handwriting, in Melville Charter-chest.

² Letter, 19th July 1723, *ibid.*

³ Writ [date worn away], *ibid.*

⁴ Extract Act of Presbytery of Kirkcaldy, 30th March 1727, *ibid.*

resources. This is proved by the discharges for the various sums paid, and by a letter written in 1732 to Mr. Charles Mackay, in which the earl says :—

“You will reckon it good news that I have an offer of £100 *per annum* for a twenty years’ tack of my coall from good hands. We are very near agreed, and ere next week I hope to be able to tell you its ended to my satisfaction. If this happen I think my money will not be thrown away ; all my projectors are saying I’m mad. However, I can stand that brush when I’m satisfied in my own mind and have the concurrence of my best friends, for I take it for granted I have yours.”¹

On the resignation of James Erskine, Lord Grange, the Earl of Leven was appointed by King George the Second a senator of the college of justice. He took his seat on the bench on 11th July 1734.² He was also appointed, during the king’s pleasure, chamberlain of the crown lands of Fife and Strathern in room of the Earl of Rothes, with the usual powers, and a yearly salary of £300, in addition to £20 of victual.³ It would appear that in the previous year Lord Leven had received offers of preferment. He states in a letter to a friend that a member of parliament had written him : “I was with the great man and used the freedom to mention your name, tho I had no allowance for it ; he seems fond of having you in his interest, and desired me to let you know this.” The “great man” here referred to was probably Sir Robert Walpole, as in another letter Lord Leven says :—

“The letter I got the post befor shows that there is some intention to take some notice of me, what their byviews may be I cannot find out, but sure they must have some, for I’m sensible its not on my own account, neither do I believe that as yet Ilay has any hand in it. . . . Here Mr. Drummond, tho’ he says *my friends here*, yet I fancy he means Sir Robert only ; now what I want most is to know how he [Drummond] stands with Islay, for I would fain hope he [Ilay] is not amongst the friends he mentions, for I own it would give me double satis-

¹ Letter, 25th April 1732, in Melville Charter-chest.

² The royal letter for his admission is dated 28th June 1734, and is in the usual form ; vol. ii. of this work, pp. 69, 70.

³ Commissions, dated 29th April and 23d August 1734, in Melville Charter-chest. It

appears from a memorial, presented by him to the Treasury in 1751, that he held the office only two years, and did not receive a formal exoneration of his accounts. In consequence, a prosecution was begun against him for a balace due to the Crown, and he was forced to petition for the usual release.

faction if anything were done for me that I did not owe it to him, it would be much more for my honor that it came from Sir Robert himself."

As one of the senators of the college of justice, Lord Leven was called to London in April 1737, along with certain of his brother judges, to advise the House of Lords as to the legal proceedings arising out of the Porteous riot. The House of Lords resolved to bring in a bill disqualifying the provost of Edinburgh from holding office anywhere in Great Britain, with other proposals, which, however, were not finally embodied in the act afterwards passed. The bill was brought into the house about the beginning of April, and the 2d May was fixed for the second reading. Lord Leven writes to a friend, "No Scotsman voted against the bill but the Dukes of Argyle and Athole; Lord Ilay did not divide at all; however, I'm told, upon cool thought, they will behave otherways, I mean the bulk . . . No bodie yet knows in what way the judges will appear in the house of Lords, whether at the bar or elsewhere."¹ This last sentence refers to a proposal which had been made and maintained by the Duke of Argyll and other Scottish peers that the lords of session should have seats on the wool-sack, like the English judges in similar circumstances. But this view was declared to be contrary to precedent, and the Scottish judges were required to stand at the bar—a fact which caused much irritation in Scotland as an indignity to the country.

In 1741 King George the Second appointed Lord Leven his commissioner to the general assembly of the Church of Scotland.² In this position Lord Leven does not appear to have indulged in much pomp, nor is it recorded, as in the case of some other commissioners, that he was attended by members of the nobility. His speeches, however, it has been said, and the opinion is borne out by such as are quoted in this memoir, were delivered "with more frequency and freedom than would now be relished, or perhaps tolerated."³

¹ Letters, 17th and 22d February 1733, in Melville Charter-chest.

² Letter, 21st March [1741] from the Earl of Islay, in Melville Charter-chest.

³ Morren's *Annals of Assembly, 1739-1752*, ed. 1838, p. 296. In a letter dated 22d April 1741, in Melville Charter-chest, the earl expresses anxiety about two points in

his preparations for the coming Assembly—first as to his wigs, one of which fitted him exactly, the other was to be "made by one Fogo." His correspondent is requested to send for Fogo, and show the wig to him. The reputation of the wig-makers at the time was very bad, as appears from the following sentence in the same letter: "But

In the course of his evangelistic labours the Rev. George Whitefield visited Scotland in the summer of this year. From Edinburgh he passed to Dunfermline, where he preached in Erskine's meeting-house. Lord Leven invited Mr. Whitefield to visit him at Melville House, which he did in October, but could not prolong his visit as he had engagements at Dundee and Aberdeen.¹ It may be interesting to notice that the spring of this year appears to have been very rigorous. Lord Leven in one of his letters, dated from Melville in April, states that there is little appearance of the season growing better—

“which is a dismal prospect to the country in general; here we have no grass at all, if we get no change of weather the poor people and cattle must starve. The poor creatures in the neighbourhood come here beging leave to pull nettles about the dicks for themselves and heather in the muir for their beasts. We have them dailly in shoalls of 20 with death in their faces, and at the same time the country is so loose that the people are forced to watch their houses and barns.”

Lord Leven appears to have taken ill, soon after May 1741, of some kind of fever, perhaps aggravated by the inclement weather, but recovered, though after this date there are frequent references in his letters to various ailments.²

In the following year, Sir Robert Walpole, finding himself no longer able to contend against the opposition to his policy, chiefly exerted by John, Duke of Argyll, resigned his position as chief of the government. A new administration was at once formed, under which the Duke of Argyll was appointed commander-in-chief of the forces, besides his other military offices. A few weeks later, however, a correspondent of Lord Leven wrote specially to tell him of “the extraordinary news” that the duke had “resigned the whole of his posts,” adding, “What influence such sudden alterations at court may have on affairs abroad, I believe will not be easy to tell, but it looks as if things might pretty near keep the old channel at home.” The reason of the duke's sudden resignation was his disappointment that the

tho I have clap'd my seal upon it, yet they are such rogues that I would not incline to trust him with it by himself.” Lord Leven also wished to know if any separate sum were allowed to the pursebearer, for upon this his choice of that functionary would depend.

¹ Vol. ii. of this work, pp. 258, 259.

² On 30th November of that year the earl was installed Grand Master Mason of Scotland, and continued in office for one year, but the date of his first connection with the Order of Freemasons has not been ascertained.

Marquis of Tweeddale was made secretary of state for Scotland, and the setting aside of some of his own friends in the distribution of offices.

The Duke of Argyll was succeeded by Lord Stair as commander-in-chief, and to him and to the new Scottish secretary Lord Leven applied for a commission in the army to his eldest son, David, Lord Balgonie, who was then with his tutor in Holland. This fact, and his probable re-appointment as commissioner to the Church of Scotland, are referred to by Lord Leven in one of his letters. He writes, "I had a letter from Lord Ilay last post, wherein he sais 'it was extremely agreeable to me the other day to hear from good hands that our church at present and what relates to it could not be in a better way than it is.' This, with what I heard formerly, makes me conclude the farce will be acted over again this year as last; but I have had no ansuere from the Marquis [Tweeddale], which I wonder at, but I know he spoke very obligingly of me at his levee." The earl then refers to an application to Lord Stair on behalf of his son.¹ In another letter about same date, the earl writes, "I'm glad to see by the London Gazette that all matters are to turn out for the good of the country; this I take for granted must certainly be the case since Lord Stair has accepted of office—a patriot of his magnitude sure would accept on no other terms."²

The Earl of Leven again, as he anticipated, was appointed commissioner to the general assembly of 1742, and at the close of its sittings received from Lord Tweeddale a congratulatory letter upon its successful conclusion, approving also the earl's own conduct and management.³

In the autumn of the same year, Lord Leven was the means of obtaining the settlement in his neighbouring parish of Collessie of a clergyman who afterwards became famous as an eloquent preacher and professor of Belles Lettres and Rhetoric in the University of Edinburgh. This was the Reverend Hugh Blair. Two months after his induction to Collessie, he received a call to the Canongate church, Edinburgh. Lord Leven expressed deep regret, but declared that neither he nor the parish would oppose the change, as it was evidently for Mr. Blair's advantage. The transfer, however, did not take place till June of the following year.

¹ Letter, March 1742, in Melville Charter-chest.

² Letter, 24th March 1742, *ibid.*

³ Letter, 29th May 1742, *ibid.*

The earl was again royal commissioner to the general assemblies of 1743 and 1744. In his speech to the assembly in 1743 he departed from the more formal style of such utterances by advising the members to study peace and good understanding among themselves, and to guard against everything that may break or interrupt these, especially

“when by an unhappy schism so many have withdrawn from the communion of this church, and the ringleaders of this faction are every where dispersed and catch at all advantage to foment and encrease the division ; in this juncture to be sure a more than ordinary caution and circumspection is necessary. The true sons of the Church should be knit together more close than ever, laying aside all passion and variance which may give occasion to the common adversary to triumph ; it’s by your behaviour, gentlemen, by the calmness and discretion of your counsels and equity of your sentences, by joyning harmoniously in this one concern of promoting the valuable interests of this Church,—it’s thus, I say, that under God our present disorders may be rectified, your enemies put to shame, and the eyes of poor misguided creatures opened to see and acknowledge their mistake.”¹

It was the Commission of this assembly which authorised the carrying through of a scheme for making provision for the widows and children of ministers and professors, and despatched some of their number to London to obtain an Act of Parliament embodying the scheme. Lord Leven appears to have used his influence in promoting the desired result, and an Act was duly obtained. To this Lord Tweeddale alludes in his letter announcing Lord Leven’s reappointment as high commissioner in 1744. “I make no doubt,” he says, “you will find the assembly in good humour and full of gratitude for the favour his Majesty has so lately conferred on the church, which was so warmly recommended to me by your lordship.”² Lord Leven dealt with the subject in one of his speeches to the assembly, when he reminded them that the great affairs of government and the press of important business which had claimed the king’s attention at this critical juncture had not prevented his Majesty from showing in the strongest manner his concern in the prosperity of the church, and generously interesting himself in her welfare.

¹ MS. speech in Melville Charter-chest.
The reference is to the secession by Erskine
and his associates in 1733.

² Letter, 21st April 1744, in Melville
Charter-chest.

The "critical juncture" referred to was a threatened invasion by the French, whose fleet had sailed up the Channel in the middle of the previous February, in order to cover a projected descent upon England from Dunkirk and other French ports. But a few days later the English fleet, much superior to that of the French, drove the latter down the channel, and the real danger of invasion ceased. For this Lord Leven in his speech expresses gratitude "that in so few weeks after we were threatened with an invasion in favour of a Popish pretender by a people of whose perfidiousness and inveterate enmity to our religion and libertys we have had so long experience, we should be assembled here in peace and quiet, in the possession of all we hold dear and sacred, in the possession of all we could dread the loss of."¹

In the memorable year 1745, Lord Leven was again commissioner to the assembly, and it is curious to compare his concluding speech to the house with the events which a few months later filled the country with alarm. He spoke of the happy blessings then enjoyed of peace and tranquillity, and expressed himself persuaded that the ministers would continue to represent those blessings in the liveliest colours to their people, "and shew them how their duty to their sovereign is inseparably connected with their own private interest."² This was in May, and in the following August Prince Charles Edward raised his standard at Glenfinnan. His victorious progress southward, his arrival in Edinburgh, and the defeat of the royal forces at Prestonpans, are matters of history. Of the defeat at Prestonpans there are some brief notices in a letter in the Melville charter-chest, written apparently by the fourth Lord Belhaven.

The writer, on 23d September 1745, two days after the battle, says : "George Cranston pass'd here this morning with a paquet to Berwick; he says that he mounted guard upon the canon during that fatal action, that after his men had given two or three platoons, they wheel'd about to make way for the dragoons, who, instead of riding in sword in hand, wheel'd about on his soldiers, and threw them into the utmost disorder." Cranston himself "got into the grave-digger's house in Prestonpans, where he remained till 3 o'clock next morning, during which time the people belonging to that house informed him that several persons of distinction amongst the High-

¹ MS. speech in Melville Charter-chest.

² MS. speech, 1745, *ibid.*

landers were lying in the church, having fine linen and covered over with plaids, several Highlanders sitting at their head and feet, howling over them; that orders had come to the sexton to prepare five more graves, for which he was to be handsomely rewarded." The writer also refers to the efforts of their officers to rally the dragoons, and to the great slaughter which took place at the wall of Preston park. Of the two commanding officers who escaped to Berwick, Cranston reported "that Brigadier Fowke was among the last who left the field; that he escaped very narrowly, having several shot fir'd at him; that he [Cranston] met him near Cockenzie, [he] appeared very cool, and rode at an easy trot to Dunbar, where he dined, and proceeded in the afternoon to Berwick, having a commission to land the Dutch at Newcastle; that Colonel Lascelles in the pursuit was taken prisoner and sent to the rear, but pretending to be wounded, and putting on a white cockade, he received a horse from one of their folks, and came on with Brigadier Fowkes."¹ The writer concludes: "We are assur'd that 900 Dutch were in Burlington Bay. I hear Lord George Hay gives out that ten battalions of English are landed. The advocate, solicitor, Sir John Inglis, encamped last night in and about Berwick. Several people, viz., Sir Robert Henderson, J. Anstruther, etc., observed that our retreat was not so precipitate, but that we kept in the rear of the above-mentioned ministers."²

The Viscount of Strathallan joined the rebel army, and he sent from Perth, in December 1745, a requisition to the Earl of Leven, desiring him to send the sum of £100 within ten days, "and thereby prevent any further trouble."³ It is doubtful whether the earl received this letter at the time, and it would appear he was not at home when a party of rebels did visit Melville and made a search for arms, carrying off horses, blunderbusses, and other weapons, for which they duly gave a receipt to Lady Leven.⁴ Lord Leven had gone on a journey southward, first to Berwick and thence to Alnwick, from which place he wrote on 27th December to his friend Mr.

¹ It was to these two officers that, on their arrival at Berwick, General Lord Mark Kerr exclaimed: "I have seen some battles, heard of many, but never of the first news of defeat being brought by the general officers before." This story was afterwards applied to Cope,

but the above is the contemporary version.

² Letter, with Lord Belhaven's seal of arms, in Melville Charter-chest.

³ Vol. ii. of this work, p. 230.

⁴ Receipt, 13th December 1745, in Melville Charter-chest.

Charles Mackay. He thinks he will be better at Alnwick than even at Edinburgh, "since I'm of no use there either to my friends or the government." He continues: "I'm told by a gentleman who left Edinburgh on Tuesday night that the foot from Stirling were come there, and that the Highlanders were gone towards Stirling. I'm really afraid of Stirling in that case." After referring to the movements of the Royal troops, and commenting on the probable delay in the landing of the Hessians, the earl writes: "I hear the skirmish was betwixt 200 dragoons, commanded by General Honeywood (who by the by is wounded), and the rearguard of the rebels, commanded by Lord Elcho. There was 11 dragoons killed on the spot and 8 Highlanders. Honeywood dismounted the dragoons, and took betwixt 60 and 70 prisoners, and found about 40 half dead and drown'd in a river."¹ Lord Leven desires his correspondent not to let "any bodie" know where he is, and concludes his letter with an incidental notice of the bombardment of Carlisle by the Duke of Cumberland.²

Lord Leven's absence from home was partly caused by a desire to get rid of indisposition, apparently of an asthmatic nature, but he was again at Melville in February 1746, although again attacked, which prevented him attending, as required, upon the Duke of Cumberland. He had a letter from the duke expressing regret at his ailment, and thanking him for some trouble he had undertaken. The duke states that the Hessians and some English cavalry were at Perth and Stirling, who would aid in protecting the lowlands.³

The conflict at Culloden on 16th April 1746 put an end to the rebellion, and in May Lord Leven was able to congratulate the general assembly "upon that happy, that surprising deliverance this church and nation have by the blissing of Almighty God so lately received from the glorious victory obtained . . . over these perfidious traitors to our king and country and avow'd enemies to every thing that is dear to us as men and Christians." The earl proceeded to express his horror at the "wicked and unnatural rebellion," and to depict its probable dreadful consequences had it succeeded,

¹ It is not clear whether this is a version of the skirmish between the rear-guard of the rebels, under Lord George Murray, and a detachment of the Duke of Cumberland's army at Clifton, but if so, it differs con-

siderably from the rebel accounts.

² Letter, 27th December 1745, in Melville Charter-chest.

³ Vol. ii. of this work, p. 71.

but he praised the conduct of the ministers in the crisis, and attributed the non-success of the rebellion largely to their influence.¹ He conveyed to the house a special message from the king to the same effect, and also one contained in a letter to himself from the Duke of Cumberland. The duke wrote from Inverness on 21st May to express publicly during the sitting of the Assembly the just sense he had "of the very steady and laudable conduct of the clergy of that church through the whole course of this most wicked, unnatural, and unprovoked rebellion." He testified to the zeal and loyalty of the ministers, and their forwardness to act for the government.²

A letter from Lady Anne Leslie, eldest daughter of the earl, to her brother, Lord Balgonie, then stationed at Inverness with General Handasyde's regiment, gives a glimpse of the gay aspects of the high commissioner's sojourn in Edinburgh. She writes:—

"The Prince of Hesse did us the honour to dine with us on Fryday, drank tea and at five waited on papa to the General Assembly, and the ladies waited on his highness there and sat in the loft [gallery]. He staid an hour. On Fryday we had a fine dancing assembly; his highness got the first set to dispose of; he gave me the first couple, but he began with dancing a minuet with his partner, Mrs. Kinloch, and then he danced one with me. My partner was Sir Patty Murray; we led down the country dances. There was four sets, and a vast crowd of company. Every thing was directed with the utmost prudence and discretion, and no petts that I can hear of."³

In the end of May and middle of July Lord Leven again had communications from the Duke of Cumberland, the first announcing the submission of the Clan Cameron, and the second intimating the duke's departure for the south. His military secretary, Sir Everard Fawkener, expressed a wish to meet Lord Leven, and strengthen their acquaintance, on which he placed much value.⁴

Lord Leven again met the general assembly as commissioner in 1747, but the proceedings call for no special notice, nor do those of 1748. In 1747, however, Lord Leven was called to a wider sphere of action by his being elected one of the sixteen representative peers of Scotland. In consequence of this he was in

¹ MS. speech in Melville Charter-chest.

² Vol. ii. of this work, pp. 71, 72.

³ *Ibid.* p. 261, 26th May 1746.

⁴ *Ibid.* pp. 230, 231.

London in January 1748, as we learn from a long letter to a friend. The first part of it deals with his reception at court and in political circles, which was favourable. "My wife and Anne were at court on new year's day ; the king, the duke, and Princess Emelia all asked for me, and, to say truth, madam has met with uncommon respect from all of them." The letter then deals with the subject of the probable successor of President Forbes, who had died in December 1747. Lord Leven had been appealed to for advice, and had various interviews with the Duke of Newcastle on the subject.

"He told me the first time, he did not know what to do; if I could put him on a way to please all partys he would be obliged to me. I told him that was impossible, but I thought he ought to do what would be obliging to the whigs, the king's friends, and that was to make Lord A[rniston] president, that his own principles and that of his family were long known ; that the other, whatever his principles were now, it was certain his family at least was a little obnoxious to the king's friends in Scotland ; that in short it would be a blow to the king's interest in that country."

In addition to some other details of less importance, Lord Leven told the duke "that Arniston had more influence in the country than any private gentleman whatever, and even more than many of another class put together." A proposal to make the younger Robert Dundas, son of Lord Arniston, lord advocate, was rejected by Lord Leven as unacceptable to the young man himself in the circumstances. The earl proceeds :—

"The next interview produced nothing new, only as I saw A[rniston] would not be the man, I said I thought T.¹ would be more obnoxious to the whigs than any bodie ; then he [the duke] asked who there were ; I named Elchies (who I told [him] would be a certain persons man nixt to T.) and Robert Craigie. All the thanks I have got for my pains from one of A.s friends I find is that under pretence of serving A. I did what I could for Elchies. This has nettled me a good dale, and would determine most people to act no further part, yet as I dare-say he would not suspect me himself, if there remains any place for it, I will still proceed." ²

It may be noted that Lord Arniston was promoted to be president of the

¹ Probably Charles Erskine, Lord Tinwald, whose connection with the Mar family might explain why his name was obnoxious to the

king and his friends the whigs.

² Letter, 3d January 1748, in Melville Charter-chest.

court of session on 10th September 1748, Lord Tinwald having been made justice-clerk in June of the same year.

In the autumn of the following year, 1749, Lord Leven paid a visit to France, but his lordship did not enjoy his experiences of continental travel. He had a stormy but comparatively short passage from Dover to Calais, whence he set out for Lille.

"I lay at St. Omer the first night, which is a very fine place and well fortified; its full of fine churches. From this I was silly enough to be prevailed on to quit the post road, as I was in a hyred chaise, to save some miles, by which I met with very bad roads, and had like to have stuck in several places, often in the middle of woods not within two or three miles of a house, so, had an accident happened, I had been forced to ly all night in my chaise at the mercy of ruffians who abound in this part of the country at present. We saw many that day who would have attacked us if they durst, but the gun frightened them; but at length I got safe to Bethune, and so to Lille very late. The people in this country appear very odd, especially the women are the hideousest creatures ever I saw. Every thing is dirty; no service at the inns, even at Lille, where I was at the best hotel, there was but one waiter and one maid for the whole house. I stayed at Lille all yesterday [Wednesday, 24th September], and set out this morning post for Paris. Oh! its miserable posting in this country, 5 or at most 6 miles in one hour; all we could do was to reach this place, *Peron*, 60 miles. They yoke 3 miserable beasts all in a breast, just as we do harrows, and an old surly rascal as post boy, who will do nothing but what he pleases. One of them had the impudence this day to tell us, after we had given him sixpence to drink, that we payed like Frenchmen and not like Englishmen, and gave us names, upon which Sandie¹ threshed him. This night I have got wine I was forced to warm with sugar befor I could drink it, and yet this is the best place for lying at betwixt Lille and Paris (Paris—I find now this is not true). The Windmiln twopenny is better than any wine I have yet seen, except at Lille, and it not very good."

The preceding was written from "*Peron*, twelve posts from *Lisle*," on 25th September 1749, and on the 27th the earl continues:—

"*Senlis*, 22 posts from *Lille*. Got here just now, nothing remarkable

¹ This was Lord Leven's second surviving son, Alexander, whom he had met at Lille, and who accompanied him to Paris.

on the road, but a charming country. All the road we travailed this day is almost one continued avenew as straight as a rash, and in several places for two miles together they are aple trees quite full which had a fine effect. From the last post-house called Pont St. Maixence, we past thorow one of the king's hunting forrests, called Du Sallats (?), the finest thing I ever saw. Where we came thorow it its seven English miles, the trees cut hedge-ways on each side and very tall, but the apprehension of being robed took off some of the pleasure. I could easily have gone to Paris this night, but did not chuse to travail late for fear of accidents; we shall be there to-morrow to breakfast, God willing. We scarce see a house on the road but the places where we stop to change the horses, and those are as bad as a Scots tennents house in most places, except when it happens in a town, and even those have bad accomodation. Its amazing who labours the ground, for tho its a rich corn country all betwixt this and Lille, except the last stage, where any ground I could see for the wood is heathy, yet I scarce observed a farm-house, tho the country is all open, for the avenews I mentioned are but one row of trees on each side of the road at about 12 or 14 foot distance. To-morrow I am told we pass throw the forrest of Chantilier [Chantilly], longer, they say, than the one I passed this day."

Lord Leven expresses a hope that he will soon see his friend the Earl of Albemarle, who was then English ambassador at the French court, and he states that his malady, the asthma, had almost left him. He proceeds—

"The multitudes of English in this country has made travailing as dear as in England, the expence of horses for one chaise by the king's ordonnance comes to four shillings English every six miles, which is as much as we pay in England for both chaise and horses, except where they have close post-chaises; for these we pay one shilling per mile. I payed at Lille 3 guineas for the use of a chaise to Paris. The guides, for I cannot call them boys, as they are generally old fellows, I have met with are allowed only threepence English per post, yet our countrymen have debauched them to such a degree that they grumble if they don't get double, and their post is generally but six miles. In short, one way or other, I see this will come out a dearer job than I was made believe, so that I repent my journey heartily. . . . The roads here are all made and kept up at the public expence, and no turnpikes, which is grand indeed, and the king has been at great pains to keep the roads free of rogues since the disbanding of the troops; the disbanded men were all carryed by their officers to their several parishes to prevent their playing tricks, this was very prudently done, and

deserves commendation. I am delighted with the country since I entered France, and flatter myself I shall continue more so the more I see of it."

"Paris, 28th, ten in the morning. I arrived yesterday befor dinner, had a most agreeable jurney. The wood of Chantilier is very large and fine, its above eight league over, but not above two where we crossed it; I think the other the prittyest and best kepted, and largest trees. On the roadside the trees are all cliped hedge-ways for about 16 or 18 foot high, and then the branches are allowed to spread so that you ride under cover when you go on the side of the road off the casway which is in the midle. They [the roads] are indeed very good, but still very uneasie in comparison of the made roads in England, and make such a noise that there is hardly any conversing, and it is with great difficulty the boys will be prevailed upon to quit it, as it is lighter for their horses than the sandie roads. One thing surprised me, when we came within two stages of Paris, the avenews failed where I expected they would have been best. My chaise broke about 3 miles from Paris, which hindered me a long while. I stoped at the Hotel de Flandre and dined, where I was sadly imposed upon; because I would not lodge there they made me pay very well for my dinner you may believe, and over and above 6 livres for the use of the room for 3 hours. I have got into a much better house in the Rue de Tournon, as reckoned the best air in Paris, and near the gardens of Luxembourg, and near one Madam Douglas, who Lord Morton recommended me to, who has been extremely obliging. There is no such thing here as geting lodgings in a private house, every bodie lodges in hotels; how my wife will do when she comes I can't imagine, as I cannot yet hear of a house large enough for us, all being taken up with English, etc. . . . Our chaises would be of no manner of use here as they are so much slighter than the French, neither the wheels nor bodie would go twenty miles without being broke to pieces, so we shall be obliged to buy chaises here as they have scarce such a thing as chaises upon the road to hyre with the horses as in England, every bodie providing themselves. I fancy it will end in buying a Berlain and one chaise which will accomodate us all. What I have seen of Paris coming along the streets yesterday really exceeded my expectation; the houses are generally much better than in the streets of London, and higher, and have a grander look, but I have seen none equal to our people of fashions houses built in the squares, but I have seen so little yet, I must refer saying any further till I have seen more. The king [Louis XV.] is just returned from taking a jaunt to Havre de Grace, and is at Versailles at present, but I hear he goes to Fountainbleau on Tuesday or Wedensday, which is unlucky for me, as I shall not see him befor he goes, I can have no cloathes ready so soon. I brought my old blew coat with the silver lace,

which my taillor tells me looks very well and in the mode, only the sleeves not altogether so long as they are used. . . . Mr. Smollet [the novelist] is in this town I hear, I wish I could meet with him to amuse me."

Lord Leven concludes with references to a visit from Lord Albemarle, to the number of English then in Paris,¹ his asthma, and the probability of its cure by going further south, as to Aix in Provence. He, however, makes up his mind to return as soon as possible to London, as it is now too late for the south of France.² In another letter, written a few days later, he writes:—

"This to be sure is a vast pritty place, and the more one sees of it they are the more taken with it, the publick buildings are very magnificent. I have delayed going to see the palaces till I see if my folks come . . . I am tired to death even in Paris, I have nothing to do, I know no bodie; all my acquaintances consists in Lord Albemarle's family, Lord Cathcart, and Colonel York, and even those I see seldom. . . . In short I am so badly off and so much out of my way here that I would not stay a fortnight longer here in the way I have been in upon any consideration. I heartily repent my expedition I assure you. Poor Scotland might have served even a sick Scotsman. If I get health I shall buy it very dear, I am imposed upon in every thing, which I cannot bear; theres nothing I buy but my valet de place has so much on it in spite of my heart; he has so much from my coach hyrer, my hotel, in short on everything you can figure: my only comfort is every bodie is in the same situation, which is monstrous. I have been in a low room all this week, but to-morrow I get an appartment on the first floor, for which I pay 3 guineas per week, but it is very handsome. I dine at the rate of half a crown each, and but poorly off, and my burgundie coasts about 16 pence the bottle; their manner of doing everything is so different from ours, I cannot be reconciled to it at all."

After a reference to Lord Albemarle's kindness, and to Lord Crawford's son "here in the accadamy, who is a fine obliging boy and very serviceable to me," Lord Leven incidentally remarks: "Our gooseberrys answers the grapes we get here, and in my oppinion very little inferior."

A fortnight later, on the same sheet of paper, Lord Leven wrote from London announcing his arrival there:—

¹ Among English visitors the earl enumerates Lord Bath and his lady, Lord Londonderry, Lord Charles Douglas, the Duke of Queensberry's son, and others.

² Letter, dated 25th, 27th [*sic*—probably 26th], 28th, and 30th September 1749, in Melville Charter-chest.

"I left Paris on Saturday last [18th October 1749] and came to Chantilly, where I passed all the day, as I had not seen it before hiring on to Paris from Lisle by the south side of the forest as I wrote you. I reached Bouloigne on Monday to dinner. There my chaise broke, so was obliged to stay there, where I took a little fly boat (a little before 9, Tuesday morning) with a close deck, not near so large as a Burutisland boat. It blew desperately hard, by which we were often under water for half a minute, but the wind was fair, by which means I got the quickest passage that has been for many years; I was but three hours and 20 minutes on the passage, which is reckoned nine miles more than at Calais, which is reckoned 21 miles. When I came to shore the people told me I had escaped very well as she [the boat] had been condemned two months before, being quite rotten, but was once esteemed the best sailor in the Channel. I landed at Dover at 12 o'clock on Tuesday and got to London yesterday to dinner, where I surprised my folks who did not expect me for ten days. I cannot express how happy I am that I am out of a country I hate so much, I mean the people, for the country itself is charming. . . . I was at court this day and presented again on my arrival; they were all surprised to see me so soon, though they knew I was to return as my folks could not follow. . . . I have been in perfect health, and never have had a severe fit of the asthma since I left Scotland."¹

During the next few years the references in the family papers to the Earl of Leven are few and unimportant. One of his letters, written in March 1751, refers to the death of Frederick, Prince of Wales, eldest son of King George the Second:—

"The prince's death affects every mortal. The good king is in great affliction and has writ a most affectionate letter with his own hand to the princess. It has put a stop to all business and will make it impossible for some time to get any private affairs set agoing. . . . I hear it to be proposed to pay all the prince's just debts. God grant matters may be conducted with discretion and the good king long preserved; his life if possible is now more precious than ever; a minority in this kingdom would be a terrible situation."

In the same year, no doubt because of his frequent appointments as commissioner to the general assembly of the Church of Scotland, Lord Leven was appealed to by the college of New Jersey in America. Professor Aaron Burr, apparently then head of the college, wrote enclosing a copy of the charter incorporating the institution. He also stated that under his manage-

¹ Letter in Melville Charter-chest.

ment the number of students had largely increased; that their instruction was carried on in the best way possible, but the funds were not sufficient to build a house. For assistance they looked to friends abroad, as the province was poor and contained many Quakers, who were not friends of learning. It had been proposed that an act of the general assembly should be obtained for a national collection, and on behalf of this Mr. Burr appeals to Lord Leven for encouragement.¹ This application was probably brought before the assembly of 1752, when Lord Leven was again commissioner, but the result is not recorded among his papers.

Lord Leven made another visit to London in the end of December 1752, and from one of his letters we learn that the country was then much flooded. Lady Leven was his companion, and he writes :—

“Madam was for pushing on at 3 stages a day; she has made her part good. but as it always happens when a good-natured fellow grants them one request they always demand more, so this morning she insisted on making 4 stages, which I was forced to comply with, so we got here [Grantham] in good time from Doncaster. We were extremely lucky in not being stoped by the watters at Newark. Had we come there Thursday, Fryday, or yesterday, we could not have pas’t, and had we got there only to-morrow, we would have been stoped with a new flood by the melting of the snow from the Derby hills, which will be down to-morrow, so we escaped between flaws as the sailors say. To-morrow madam proposes to go 5 stages, that we may have but 4 to London next day for fear of collectors, who are not so peaceably disposed in this country as yours in James’s court.² Lord Marchmont was stoped all Fryday at Tuxford in hopes of geting throw at Newark on Saturday, but finding it impracticable he went off yesterday morning by Nottingham, where he will undoubtedly be stoped again as the new flood will be down there this day, and my landlord here, who is a clever fellow, says he may happen to be forced back by Tuxford yet befor he get over.”³

During the early part of 1753 and 1754 we have more of Lord Leven’s correspondence, but as much of it is in a species of cipher, the full tenor of it cannot be understood. A few facts, however, may be gathered. On 11th

¹ Vol. ii. of this work, pp. 262, 263.

Court, Edinburgh, was the residence of various prominent Scotsmen.

² This allusion is to the highwaymen who then infested the roads near London. James’s

³ Letter, 31st December 1752, in Melville Charter-chest.

January 1753 he writes: "I am going to commence doctor to-morrow; poor Lord Chesterfield has turned very deaf, he has tryed every bodie here to no purpose, and I have undertaken either to cure him, or at least to do him no harm. If I raise my character as a doctor it will be more than you ever expected I am sure."¹ In another letter, a few days later, he refers to a report that the plague had broken out at Rouen in France, which he earnestly hopes may not be true. He then adds: "There is a plague of another kind which prevails with great spirit in that country just now; how it will end no bodie can say. I used to rejoice at hearing of disturbances there, as a kind of security to us, but talking the other day with a great man he told me I was mistaken, for that the only danger from France was when their parties ran high, for when they found nothing else would unite [them], they declared war with their neighbours, and that never failed to have that effect in order to crush the common enemy. There is some sense in the observation."²

Other points on which Lord Leven touches in his letters in 1753, are the Marriage Acts, which were passed in that year, and the state of the roads, which were infested by highwaymen. Of the first he says: "A bill is ordered to be brought in which will annull all clandestine marriages whatever." Lord Bath had called upon the house [of lords] "to alter a law that had in so many instances produced such dismal effects," and he stated cases where families had been ruined by such marriages.

"The chancellor [Lord Hardwicke] said, There had been several attempts made of that nature which had always failed, he did not know how, but that now it behoved to be made effectual in some shape or other, and in his opinion the most solid and effectual way would be to have them [clandestine marriages] declared void and null with the consequences, . . . that infamous practise of private marriages was come to such a monstrous height that it was a reproach to suffer it any longer; that his station gave him access to know more of them than any other one person in the kingdom; that to his certain knowledge this last year, one Keith had married 1700 people."³

Lord Leven refers to the subject again in a later letter, but has nothing

¹ Letter, in Melville Charter-cbest.

² Letter, dated 19th January 1753, *ibid.*

³ Letter, 1st February 1753, *ibid.*

further of importance. It may be added that the enactment then passed was the basis of the present marriage law of England.

In regard to the state of the roads Lord Leven writes : —

“ I am sorry you should be molested with rogues and pickpockets about Edinburgh; they must soon be discovered. Robbing is now become intollerable here. On Thursday Colonel Shutz, coming from the city, was stoped at St. Giles church by three fellows with pistols. One called to the coachman to stop, and another came up to the door of the coach, and without saying ‘ mark,’ held his pistol close to his breast and fired. He [Colonel Shutz] is not dangerously wounded; the ball scented along his ribbs. The fellows, believing they had killed him, made off, apprehending the fireing would have raised the mob upon them. We are to take that part of his Majesty’s speach relating to robberies into consideration on Fryday nixt week. What they will make of it I don’t know. If nothing effectual is done, better not medle with it.”¹

In 1753, the Earl of Leven was again, and for the last time, appointed high commissioner to the general assembly of the church of Scotland. It was probably in view of its meeting that he wrote to his friend Mr. Charles Mackay on 1st May, stating that he was leaving London shortly, and asking him to give notice to his wig-maker, and also to look out for a house. “ If a publick house can’t be got, it must be some private one if such can be had.” The requisition for a public-house may appear strange to present ideas as to the office of commissioner, but it was in accordance with a custom of the period. The earl’s son, David, sixth Earl of Leven, when commissioner, held his levees at a well-known resort called “ Fortune’s tavern,” and Dr. Carlyle of Inveresk says that it was at this time customary for patrons of parishes when they had litigations about settlements, which sometimes lasted for years, to open public-houses to entertain the members of assembly. As an instance of this abuse he refers to the Duke of Douglas, whose factor, White of Stockbridge, “ opened a daily table for a score of people, which vied with the lord commissioner’s for dinners, and surpassed it far in wine.”² Whether

¹ Letter, dated 2d February [probably 1753], in Melville Charter-chest.

p. 229. White figures prominently in the Douglas cause. He widened the breach between the Duke of Douglas and his only sister

² Autobiography of Dr. Alexander Carlyle,

Lady Jane Douglas.

this last criticism applied to Lord Leven's entertainments is not clear, but the date referred to was during his term of office.

Lord Leven's letters, in the beginning of 1754, refer to Mr. Pelham's death, and the changes of ministry which ensued. He died on 6th March, and on the 14th Lord Leven wrote that there was a hesitation as to the settlement of the public offices, which he hopes will come to nothing, "It's said Mr. Fox¹ refuses to accept of being secretary of state." In another letter he says: "Poor Duke of Newcastle is inconsolable for his brother's [Mr. Pelham's] death, altogether independent of any other connection; I never saw a man so overcome in all my lifetime. He's not able so much as to speak to any mortal, his heart is so touched it quite unmans him. . . . However, his friends hope a week more may give him more resolution; his behaviour would gain the esteem of any man but a savage. I'm sure I bleed for him." There are various other references to this subject, but they do not affect Lord Leven personally, and are therefore of less importance here.

Parliament was dissolved in April 1754, and a general election of representative peers took place in the following month, but though Lord Leven was present he was not elected, and apparently did not desire a return to parliamentary life. He was appointed in that year one of the lords of police, as successor to Lord Torphichen. On his return from London to Scotland in May 1754, he speaks of going to "the lodge" to reside for a few days. This was the earl's country house near Edinburgh, and stood in what were then the outskirts of the city, at the west side of Bruntsfield Links, and commemorated by the street known as Leven Street. It is described in a modern work as "a plain but massive old edifice that once contained a grand oak staircase and stately dining-hall, with windows facing the south."²

¹ The Right Hon. Henry Fox.

² Old and New Edinburgh, vol. iii. p. 30. After the death of the Earl of Leven in 1754, Leven Lodge was occupied by Mary, Countess of Sutherland, and on the 24th May 1765, her only surviving daughter, Lady Elizabeth Sutherland, was born there, who became Countess of Sutherland in her own right, and by marriage Lady Trentham, Countess Gower, Marchioness of Stafford and

Duchess Countess of Sutherland. In connection with Leven Lodge, we remember that after the marriage of the late Sir William Stirling Maxwell with Lady Anna Leslie Melville, who was a daughter of David, Earl of Leven and Melville, we induced him to drive to Leven Lodge to see the oak staircase and dining hall. But he was disappointed with them in their ruinous condition, and asked disparagingly, "What came we out for to see?"

The death of Alexander, fifth Earl of Leven, occurred on the 2d of September 1754, with comparative suddenness, at the residence of Lord Balcarras in Fife, whither he had gone to dine. The cause of death was disease of the heart. His body was brought to Melville House.¹ He was survived by his countess, Elizabeth Monypenny. Her daughter, Lady Mary, wrote of her, in 1779, as the best of mothers, whose whole life has been a pattern of unerring excellence.² Lady Leven lived until 1783, and died on 15th March of that year, in the eighty-fourth year of her age. By his first wife the earl had issue one son, and by his second wife he had two sons and four daughters.

1. David, sixth Earl of Leven and Melville. Of him a memoir follows.
2. Hon. George Leslie, named in a bond of provision by his father in 1730, as then only son of the second marriage. He apparently died young, as no further reference to him has been found.
3. Hon. Alexander Leslie, born in 1731. He was partly educated abroad, and accompanied his father during his travels in France in 1749, where he showed himself well acquainted with the language. He entered the army in 1753, and rose rapidly through the various grades, becoming lieutenant-colonel of the 56th regiment in 1766. He was for a short time in the marines, but effected an exchange into the land forces in 1756. In 1774 he was in America, whence he writes giving an account of the state of public opinion, and commenting on the stubborn spirit of the people. He advocates very sharp measures for enforcing obedience to the British government.³ In 1775 he was appointed aide-de-camp to King George the Third, with the rank of colonel in the army. In the following year he was again in America and acted as brigadier-general under Sir William Howe, who expressed much appreciation of his gallantry in the field. In 1780 he was major-general, and marched to join Lord Cornwallis in North Carolina, and was present at the battle of Guildford in March 1781. He commanded at Charlestown towards the end of the same year, but his health began to give way, and he obtained leave of absence on 27th May 1782.⁴ He was afterwards for some years second in command of the forces in Scotland, and died at Beechwood, near Edinburgh, on 27th December 1794. He was interred "in the

¹ Letter, 3d September 1754, vol. ii. of this work, pp. 263, 264.

² Original letter in Melville Charter-chest.

³ Letter, June, July 1774, *ibid.*

⁴ Letters, *ibid.*

burial-place of Nisbet of Dean, in the west church ayle, near his mother." The funeral, which, in accordance with the opinion of Lord Leven and Lord Adam Gordon, the commander-in-chief, was without military honours, was attended by "the staff, relations, near neighbours, and a few select friends, about forty. Never man was more regretted by all ranks."¹ He married, 23d December 1760, the second daughter of Walter Tullideph of that ilk in Forfarshire, and by her, who died 14th December 1761, he had a daughter, Mary Anne Leslie, who married John Rutherford of Edgerston, in the county of Roxburgh, but had no issue.

1. Lady Anne Leslie, born 27th February 1730. She married, on 30th April 1748, George, sixth Earl of Northesk, and had issue. She died at Edinburgh on 8th November 1779, aged fifty.
2. Lady Elizabeth Leslie, born in March 1735; died in infancy.
3. Lady Elizabeth Leslie, born in July 1737. She married, on 10th June 1767, John, second Earl of Hopetoun, and had issue. The earl, when he proposed to Lady Elizabeth, was fully double her age, he being sixty-three and her ladyship thirty, while he had been twice previously married. According to a tradition in the Hopetoun family, when he proposed to her ladyship, she asked time to consider such an important question, but the earl deprecated any delay, and said, "Not a day, not an hour, not a moment." Thus pressed, Lady Elizabeth complied by saying, "Yes, yes, yes." Elizabeth, Countess of Hopetoun, survived her husband seven years, and died on 10th April 1788, aged fifty-one.
4. Lady Mary Leslie. She married, in 1762, Dr. James Walker, of Innerdovat, in the county of Fife, and had issue three sons and one daughter. In correspondence with her nephew Alexander, seventh Earl of Leven, part of which is printed in this work, she refers to her services to literature, and also to her management of the estate of "Success" in Jamaica, which was devised to her by Mr. Hamilton. Lady Mary was still alive in the year 1818.²

¹ Letter, Alexander Monypenny to Lord Balgonie, 7th January 1795, in Melville Charter-chest.

² Letters, *ibid.*

Leven



DAVID, SIXTH EARL OF LEVEN,

B. 1722. D. 1802.



WILHELMINA NISBET, COUNTESS OF DAVID, SIXTH EARL OF LEVEN.

MAR: 1747. DIED, 1798.

XII.—2. DAVID, SIXTH EARL OF LEVEN, AND FIFTH EARL OF MELVILLE.

WILHELMINA NISBET (DIRLETON), HIS COUNTESS.

1754—1802.

David, sixth Earl of Leven, was born on 4th March 1722, and succeeded to the courtesy title of Lord Balgonie on his father's accession to the family honours and estates in 1729. There are very few references in the family papers to his younger years, but in 1735 his father writes to his friend, Professor Charles Mackay, about a new tutor "for Davie," as Mr. George Preston, who had been his tutor, had been recently appointed minister of the parish of Markinch. The professor recommended a young man of the name of Morton as tutor, regarding whom he wrote to a friend :—

"To call home Mr. Morton, and the sooner he can enter to the family so much the better, for it will be a very great loss to Lordie,¹ if he should want him any time now that Mr. Preston is gone. I cannot promise that his appointments will exceed 12 pounds per annum, but if matters succeed with his pupill, as I hope they will, I'm perswaded my lord's patronage and countenance to him will be worth a great deal more, and may prove the making of his fortune. I forgot in talking of that affair to mention one circumstance to you, which is that my lord and my lady both expect he is not to make the least scruple of acting as chaplain, as it has always been the way in the family. I assur'd them Mr. Morton would not hesitate in the least as to that point."²

At a later date, perhaps in the end of the same year, Lord Balgonie entered the university of Edinburgh, where he was a class-mate of the famous Dr. Alexander Carlyle of Inveresk. They were together under Mr. Kerr, the professor of Latin, of whom Dr. Carlyle says that—

"He was very partial to his scholars of rank, and having two lords at his class, viz., Lord Balgonie and Lord Dalziel, he took great pains to make them (especially the first, for the second was hardly ostensible), appear among the best scholars, which would not do, and only served to make him ridiculous, as well as his young lord."³

¹ Apparently a pet name for Lord Balgonie.

³ Carlyle's Autobiography, p. 31.

² Letter, 19th August 1735, in Melville Charter-chest.

This remark, though not very complimentary, and written long after the event, seems to imply that Lord Balgonie was recognised by his classmates as a promising student unduly patronised by his professor on account of his rank as a peer. He was, in November of this year, 1735, appointed a commissioner of police in Scotland, but apparently did not take office until the following year, after he reached the age of fourteen.¹

In the year 1740 Lord Balgonie was sent abroad with his tutor, Mr. Morton, to study at Groningen in Holland. There he began, or continued, a study of law. Those letters of his which have been preserved do not contain anything of special importance, referring only in a general way to his studies and pursuits. Besides his college lectures and reading, to which he appears to have given steady attention, he had intervals of lighter subjects. He says in one letter:—

“ We stay in Mr. Lacarrieres in de Buterenstraadt, a French house, which is by far the best boarding house here, besides the advantage of the language, which I wou’d willingly be master of as soon as possible ; what spare time I have, I spend it mostly that way, and have also a French master for an hour every day. As for diversions, I go to the fencing school. We have also a riding school for 4 months in the year, which I intend to go to for twice or thrice a week.” He adds : “ The Prince and Priucess of Orange, who commonly stay iu this place three or four months in the year, are expected very soon. The winter comes on very fast ; we had very cold frosty weather for these three weeks bygone.”²

In later letters, of date May and October 1741, he refers to various visits paid to court during the college vacation, and to the friendly notice taken of him and the other British residents by the Prince and Princess of Orange. He also refers to his studies, stating that he attended Barbeyrac’s lectures on Grotius and Puffendorf.³ He was still at Groningen in the beginning of 1742, when he received a letter from his father’s friend, Professor Charles Mackay, telling him of the death of his former teacher in Edinburgh University, Mr. Kerr, and giving a humorous account of the disputes between the college of justice, the town council, and others interested in the

¹ Commission, 7th November 1735, and in Melville Charter-chest.
certification of qualification, 23d December 1736, in Melville Charter-chest.

² Letter, Groningen, 24th October 1740, *ibid.*

³ Letters 2d May and 31st October 1741,

election of a new professor.¹ He appears to have remained in Holland until March or April 1742, when his father expressed a wish that he should enter the army. Britain was then about to take part in the war on the Continent, and the Earl of Stair was appointed commander-in-chief in Flanders. Lord Leven appears to have entertained the idea of his son acting as a volunteer under the distinguished field-marshal, but that view was abandoned, and Lord Balgonie in June 1742 received a commission appointing him ensign in one of the troops of the regiment of foot commanded by General Handasyde and then stationed in the north of Scotland.²

Lord Balgonie continued in that regiment during the rebellion of 1745-6, but it does not appear that he saw any active service. On 29th July 1747, he married Wilhelmina, daughter of William Nisbet of Dirleton, but except one or two casual allusions in letters, one of which apparently refers to a visit to Ireland, perhaps on duty, the family papers record little regarding him until 1754, the year in which he succeeded to his father in the title and estates. A few days after his father's death, he nominated his wife and several other persons to be tutors and curators to his children.³ In the following month, October 1754, he went to London, where he was graciously received by King George the Second, and also had an interview with the Duke of Cumberland. The chief object of his journey appears to have been to sue for the continuance to himself of the office of lord of police held by his father. As to this he writes :—

“The Duke of Newcastle and every body was out of town when I came; however, I have been twice with the duke since, and have great reason to be satisfied with what pass'd there, tho' he told me that I cou'd not possibly get the police, but gave me the greatest reason to think that he really intends to do something worth my while. After I found that the police wou'd not do, and nothing casting up just now, I determined to ask a pension.”

On this point also he had received encouragement, though he adds: “If I do not get some light into them [his affairs] in a fortnight, it will be in vain to expect anything done for a long time, as their hands will be full for a considerable number of days.”⁴

¹ Letter, 9th January 1742, in Melville Charter-chest.

² Commission, dated 4th June 1742, *ibid.*

³ Nomination, 13th September 1754, in Melville Charter-chest.

⁴ Letter, 19th October 1754, *ibid.*

In November 1756, the Earl of Leven received a letter from Sir John Anstruther of Elie, which merits more than a passing notice. It was an invitation to join a whale-fishing company to be established in the town of Anstruther, but Sir John's own letter may be quoted :—

“As I know your lordship is a wellwisher and incuradger of what is advantageous to the country, I therefor presume to give you the trouble of this to acquaint your lordship we have sett on foott a scheme that is so, and at the saime time may be a very profitable one to those concern'd. We have begun a whaill fishing company for fitting out a ship from Anstruther, in which I and the gentlemen of this nighburhood are to be concernd and severall others. The ship proposed from two hunderd to about 250 tuns, the capital three thousand pounds ; each shair 50£, with a call of 10 per cent.

“As to the manadgment and plan to be followed, we propose that of the Dunbar company, which has been very successfull, in a great measure owing to the right manadgment, and in the execution of it we think our situation more favourable, particularly in the article of sailors, as there are just now a number of hands on this coast who have been imploy'd in that service in differant companys. I hope your lordship will joine us in having a concern in so laudable a scheme, which I with greater freedom solicit, as from my information from my friends that know it, I am assur'd that there can be but a trifle lost were the ship unsuccessfull, the bounty given by goverment being so considerable.”¹

The idea of this company and of its constitution probably owed its existence to Sir John's wife, Miss Fall of Dunbar, who is said to have been a woman of superior intelligence and energy, and to her father, Mr. Fall of Dunbar. The latter was one of the extraordinary managers of the new company, in which Lord Leven became a partner, as we learn from a letter from Sir John in March 1757, who states he had subscribed on the earl's behalf. He adds, however :—

“At our meeting we found we could not send out a ship this season without being at a much greater expense than necessary, on account of the high price every thing would cost to fitt out in time this year. But we are to provide a ship and

¹ Letter, dated Elie House, 29th November 1756, in Melville Charter-chest.

other materials for next year, as we can find them cheap and reight for our business, and have already bought some things for which there will be a call of 20 per cent. by the managers at Whitsunday.”¹

In November of the following year, 1758, Lord Leven received a letter from the Earl of Galloway, which gave him much gratification, offering him the chair of the grand master of the freemasons in Scotland :—

“My lord, the chair of the grand master of masons in Scotland, which I have the honour to fill att present, becomes vacant the 30th of this month, being St. Andrew’s day. I look upon it as a very material part of my duty to be carefull in naming for my successor one under whom the craft will be most likely to flourish. As I know no man better qualify’d to support so sublime a character, and as I’m sure you’ll be most acceptable to the fraternity, I have done myself the honour to name your lordship for my successor. I flatter myself you’ll be so good as to accept and correct the errors of your predecessor. Your lordship’s being with us upon St. Andrew’s day will be most obliging to the whole fraternity, but to nobody more than myself. . . . I beleive I continue in office another year, but I must now [name] my successor.”²

Lord Leven in his reply says,—

“I am at a loss for words to express the sense I have of the great honour your lordship has done me in naming me for your successor in the chair of the grand master of masons in Scotland; a trust I am conscious to myself of being very unfitt for, for many reasons, particularly by being a mason of a short standing, want of experience, besides the disadvantage I shall have of immediately succeeding your lordship who fills that chair with so much dignity. For all these reasons, prudence ought to make me decline, but the credit and satisfaction of being at the head of so respectable and worthy a fraternity, and the hopes of improving during the year of my noviciat, by a constant attention to your lordship’s behaviour as grand master, prompts me to accept of the great honour you have been so good as to design for me,” etc.³

¹ Sir John adds: “The ordinary managers are Baillie Waddle, shipbuilder, and James Anderson, a shipmaster; the extraordinary are Sir Philip Anstruther, David Anstruther, Mr. Fall, and myself.” Letter, 11th March 1757, in Melville Charter-chest. On 25th March a call of £10 sterling a share was made

on the members payable on 26th May, and a further call was intimated on the purchase of a ship, but no further evidence of the progress and fortunes of the company has been discovered among Lord Leven’s papers.

² Letter, 21st November 1758, *ibid.*

³ Draft letter, *ibid.*

Lord Leven, accordingly, in the following year, 1759, was installed in the grand master's chair, which he occupied for two years, being succeeded in 1761 by the Earl of Elgin.

The family papers of the next few years, being chiefly letters addressed to the earl's son, Lord Balgonie, or by Lord Balgonie to his father from abroad, do not afford materials for the earl's own personal history, his general correspondence being otherwise unimportant. One letter, however, may be noticed, written by Dr. Joseph M'Cormick, minister of Prestonpans, who edited the "State Papers and Letters" of the Rev. William Carstares. Dr. John Erskine, in September 1773,¹ wrote to Lord Leven announcing the intended publication, and stating that in one of the letters there was "an insinuation as if Lord Melvin [George, first Earl of Melville] had no authority from King William to abrogate the patronage act." Dr. Erskine desires Lord Leven to furnish information on the subject, and two months later Dr. M'Cormick wrote that he would be glad of any materials to enable him to do that justice to Lord Melville's character which it deserved. Dr. M'Cormick adds :—

"From the vouchers in my possession, I own I was led to think that King William was not satisfied with his conduct in the particular you mention; and in the account I have given of church affairs during that period in the life of Mr. Carstares, I have assigned that as the reason of the changes both of men and measures which happened soon after. At the same time no one acquainted with the history of the times will consider this as any impeachment of my Lord Melville's integrity. In whatever way his instructions were worded, I am convinced that he thought himself authorized to do what he did in that affair by his instructions. I am likewise convinced that he thought it for King William's interest, and the interest of the nation, as matters then stood, to gratify the presbyterians in so darling an object to them as the abolition of patronages. But I apprehend the indiscreet use which the presbyterian clergy made of the power that was put into their hands by the concessions made to them in Lord Melville's parliament did irritate the king, and dispose him to hearken, with too willing an ear, to the misrepresentations which Lord Melville's enemies gave of his partiality to that body. As several of the letters in my publication occasionally mention my Lord Melville and his family as under some marks of the king's displeasure, I

¹ Letter in Melville Charter-chest.

thought it but fair that the world should know that it was more owing to the indiscretion of his friends and the malice of his enemies than to any fault of his own.”¹

Lord Leven was a member of the Society in Scotland for Propagating Christian Knowledge, and in 1778 was their president. In that year and the following, the society took much interest in the question of the repeal of the Roman Catholic penal laws, which had been passed in England, and which it was expected would be extended to Scotland. The society came to a resolution to oppose such a repeal act for Scotland. On this point Lord Leven wrote to the secretary, Dr. Robert Dick:—

“From family and from education no person ought to be more firmly attached to the true interest of the Protestant religion, and from principle few, I believe, are more so than I am. This creates an earnest wish that the penal laws in King William’s reign against Roman Catholics in England had not been repealed in the last session of parliament; and did I believe that the repeal of these acts went so far as to give a free toleration to priests to perform the publick celebration of their worship, or to open schools for the education of youth, I would heartily join in every measure to defeat the expected repeal; but as that is by no means the case in England, and many statutes will still be in force in Scotland to prevent such consequences, tho’ the same repeal should take place, it is my opinion that we are not in the danger which many persons apprehend, for which reason, and as we are totally unacquainted with the nature of the expected repeal, I wish to concur with those who are of opinion that the society ought to postpone taking any steps in this matter.”

Lord Leven, however, approves of recommending to the society’s teachers in the Highlands “the greatest watchfulness and diligence to preserve their scholars from being seduced, in case the expected repeal should take place.”²

Other doings of Lord Leven’s at this time are noted by him in a letter to his son, Lord Balgonie, in March 1779. He writes from Edinburgh, first, in reference to some estate business, and then adds:—

“Yesterday was our election day at the bank [probably the Bank of Scotland], and I was fully employed from 10 till $\frac{1}{2}$ past eight at night. Had 2 companies to

¹ Letter, 22d November 1773, in Melville Charter-chest.

² Draft letter, 25th December 1778, in Melville Charter-chest.

entertain, entered upon a fresh one at 7 at night. The Duke of Buccleugh and Lauderdale gave faithfull attendance. I was by no means fou, but I am stupid and thirsty all this day. Took a ride in the forenoon, and saw the Fencibles perform; they fire well indeed. On the peir I met Sir William Scott just embarking for you—proposed to be at Melvill by 6 this evening. I thought if you went to Bonar's ordination at the Elie—that he would have cold quarters, but I said nothing, as you did not seem resolved." ¹

Lord Leven held his post as one of the lords of police until the year 1782, when that board was abolished. In the following year, he was appointed to the office of lord high commissioner to the general assembly of the Church of Scotland.² King George the Third conferred that honour on the recommendation of Lord North, then Home Secretary. The earl's daughter, Lady Ruthven, writing to her brother, Lord Balgonie, on 10th May 1783, after the commission was signed, states that her father had received every thing he wished from Lord North

"relating to public affairs, and at the same time a very handsome private letter congratulating him in the most friendly manner upon his preferment, and having had it in his power so early to shew his readiness to be of service to him. You never really read a prettier letter. . . . You cannot imagine how brightened up our circle is, and how our dear father seems to enjoy the certainty of his preferment. Suspense is a most shocking state." ³

Lord Leven's commission was dated 5th May, and the assembly met on 22d May, with, it is said, even more than usual pomp. Preparations were made some days before, the commissioner's pages were selected, and Mr. Martin, minister of Monimail, wrote to Lord Balgonie:—"I foresee my lord will be splendid. I have got a new suit of the best cloth the man could send. I daresay much money will not be saved this year. Everybody much pleased with the nomination."⁴ Lord Leven on the 21st May received the usual compliments from the magistrates of Edinburgh, and on the next day he opened the assembly in due form. Lord Leven's levees, it is said, were

¹ Letter, 31st March 1779, in Melville Charter-chest.

² Lord Leven's commission, in the Melville Charter-chest, is dated 5th May 1783. It would appear that in 1764 he had hoped to

obtain the appointment, but was unsuccessful.

³ Letter, dated 10th May 1783, in Melville Charter-chest.

⁴ Letter, 15th May 1783, *ibid.*

numerously attended by the Scottish nobility, and the opening procession created great excitement and enthusiasm. His first speech, though evidently modelled on the style of his father's speeches, is more formal and more akin to the style of the present day. He professed his "sincere and zealous attachment to the Church of Scotland, in whose principles I have been educated, of whose assemblies I have often had the honour to be a member, and for whose real interest and prosperity all my influence shall on every occasion be employed."¹

Of minor matters, we have a glimpse in a letter from John Erskine (perhaps one of the Carnock family) to Lord Balgonie.

"It is most easy for me to give you a most satisfactory answer to all your questions. I've been thrice dining with his grace since his accession, and never saw anything more *comme il faut* than everything is; the livery's handsome without being loaded, and your worthy father more at his ease than I could have conceived a person who has been so many years removed from the folly of parade and ceremony."

In a postscript the writer says: "The commissioner has been well attended; he has allways soup and wine, etc., in the retiring room, of which his grace's goodness makes me partake. I hope he won't suffer from the long seats,—the ministers and lawyers both speak unmercifully."² That he did not suffer is shown by a sentence in a letter from one of his daughters to Lord Balgonie: "Papa returned to us yesterday; . . . the honest man is looking fat and fair, and seems to have gained rather than lost from the fatigue of being commissioner."³ In one of his letters to his oldest son at this time, Lord Leven writes: "Medina goes on briskly; to-morrow, I think may finish, and he will go over on Saturday,"⁴ a sentence which may refer to a portrait by Sir John Medina, who painted portraits of several members of the Leven family.

In 1784, Lord Leven was again high commissioner, and in 1785 he again

¹ MS. speech, in Melville Charter-chest.

² Letter, May 30, 1783, in Melville Charter-chest. An antidote against the long speeches was perhaps found, as the earl had desired his sons in England to send him "a daily paper or two during the assembly to

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read upon the throne, when his Majesty tires of the speeches."

³ Letter, 5th June 1783, in Melville Charter-chest.

⁴ Letter, undated, but written about 1783, *ibid.*

applied for the appointment. Nothing specially noteworthy occurs in his speeches of those years. An interesting literary note appears in one of his letters to Lord Balgonie, of uncertain date, but perhaps about 1785: "To descend from serious to glee, there has nothing for a long time afforded so much laughing in this family as John Gilpin. It has already been three times read to different persons. It tickles mother and Mary vastly, and we want a continuation to know what became of the six precious souls at Edmonton."¹

During the remaining years of the earl's life, the only papers of interest relating to his personal history are his speeches at the general assemblies, to which he was commissioner for nineteen years. He held his levees in Fortune's tavern, at the Cross Keys, in the Old Stamp Office Close. Thence also took place the Sunday processions to church, which were usually very attractive. A strong military force was always present, and the bands of various regiments played in honour of the commissioner, who went on foot from the tavern to St. Giles' church, escorted by his guard of honour. Lord Leven also resided for a time in a house at the north-west corner of Nicolson Square, and latterly at No. 2 St. Andrew Square.

The general assembly then met in a part of the church of St. Giles called the Old Kirk or South Church. David Allan, the Scottish artist, made a drawing of the general assembly in the Old Kirk, St. Giles', in 1787. The drawing represents the assembly in session under the presidency of the Earl of Leven. His grace is represented in a conspicuous position surrounded by his attendants, who appear to crowd inconveniently around his throne.² The earl's speeches are for the most part formal, but in some of them we have reference to passing events. Thus, in May 1789, he congratulates the assembly on the recovery of King George the Third from his first attack of mental indisposition. In another speech, May 1793, the earl states that he has authority "to notice the conduct of the ministers of the Church of Scotland, their loyalty and zeal on a late trying occasion, when designing deluded men, not satisfied with the civil and religious blessings which it had pleased God to bestow upon the nation, attempted in some degree to overturn our glorious constitution."³ This appears to refer to the seditious practices of

¹ Letter, in Melville Charter-chest.

² Original drawing in British Museum.

³ MS. speeches, 1789, 1793, in Melville Charter-chest.

the "Friends of the People," who had been active during the year 1792 in promoting revolutionary ideas. The earl also in this year transmitted an address from the assembly, "on the occasion of the war in which this country is at present engaged with France, expressing their abhorrence of the attempts which have been made by that nation to overturn the other governments of Europe, and assuring his Majesty of the dutiful attachment of the Church of Scotland," which was graciously received and acknowledged.¹

In 1794, Lord Leven was able to congratulate the assembly on the fact that the revolutionary spirit had in a great degree subsided, and he indicated his belief that this was in a great measure owing to their exertions and admonitions.² The assembly in their address to the king referred to the success which had attended the British arms in Europe and in the East and West Indies, and expressed a hope that the war would soon terminate.

Passing over matters of less interest, notice may be taken of the address presented to the king by the assembly in the year 1801. Besides expressing gratitude for the victories won against France in the Baltic and Egypt, and mourning the fall of Sir Ralph Abercromby, they congratulate his Majesty on the completion of the union with Ireland, in words which contrast widely with some utterances of the present day.

"Amidst the splendid achievements of your Majesty's reign, permit us to say that we admire and rejoice in none more than in your most fortunate completion of a legislative union between Great Britain and Ireland, a measure of state so long wished for with anxiety by the wise, and which, whether we consider its magnitude, the difficulty of its accomplishment, or the great and important effects it is likely to produce, must stand recorded in the annals of the world as a masterpiece of human policy and a lasting monument of your Majesty's paternal wisdom. The experience which your Majesty's subjects in this part of the United Kingdom have had, for nearly a century past, of the happy consequences of a similar measure, entitles them to look forward with joyful expectation to no distant period when the united empire in general, and the neighbouring island in particular, shall reap the full fruits of your Majesty's wise and magnanimous counsels."³

¹ Letter, 23d May 1793, in Melville Charter-chest.

² MS. speech, *ibid.*

³ Copy address, *ibid.*

In this year Lord Leven informed the assembly that it was probably the last time he would represent his Majesty as commissioner. He said, "The infirmities of old age, as I have now entered into the 80th year of my life, and the growing incapacity of fulfilling the duties of that honourable office, will prevent me from having the presumption to ask his Majesty to continue me any longer in it. It is now nineteen years since my first appointment, in which time I have seen all the ministers of the church over and over and over again. You whom I have now the honour to address are few in comparison of the whole; but I ask the favour of you that when you return to your flocks and are met in presbytery, you may inform your brethren of my having expressed an agreeable recollection of the pleasure I have had in meeting with them for such a number of years, and of my fervent wishes for their prosperity."¹ In return for this graceful farewell, the commission of the assembly presented, on 2d June 1801, an address to the earl, expressing their unfeigned sentiments of esteem and affection and their deep concern that his growing infirmities led him to decline the office. They looked back with agreeable reflections upon his long term of office for nineteen years, and the kindly intercourse he had always maintained with them. They acknowledged with gratitude that while discharging his duty with dignity, he yet made every member of the church in his turn feel the pleasing effects of his "condescending humanity," and gave to many of them undeniable proofs of his sincere friendship. They concluded by assuring Lord Leven that their warmest wishes would follow him, and their most earnest prayers would be offered on his behalf.²

While Lord Leven thus parted from the general assembly in so cordial a manner, his parting from his office was no less agreeable. Lord Hopetoun, writing to him on 3d May 1802, says: "Your lordship's kind letter . . . gave us all here the greatest satisfaction, that his Majesty, in dispensing your lordship from any longer representing his person, has expressed his approbation of your long services in a manner so agreeable to you and so pleasing to all your friends, no one ever having fill'd the high station you held with so much credit or so much dignity, as the universal opinion of your lordship's conduct in it attests. Lord Napier will, I believe, be as acceptable as any

¹ MS. speech, in Melville Charter-chest.

² Copy address, *ibid.*

successor to you can be. You have set him a great example, which I am persuaded he will endeavour to follow.”¹

In the office of commissioner to the general assembly Lord Leven was succeeded by Francis, Lord Napier, who entered on his duties in the assembly of May 1802. Lord Leven came to Edinburgh to attend on his successor. He also attended the celebration of the birthday of King George the Third on the 4th of June, and he died at Edinburgh on the 9th of that month in the 81st year of his age. His death was thus sudden, but not quite so sudden as that of his father, though the cause was the same, disease of the heart. He appears to have been ill only for a day or two and while absent from home. His remains were carried from Edinburgh to Balgonie, and apparently buried from that place, probably at Markinch. The letters received by his son after the death of his father bear testimony to the earl's high character. General Robert Melville wrote, commenting upon his “life, eminently exemplary in the exercise of piety and virtue with the highest love and estimation, not only of his own family relations and numerous friends, but of all worthy persons who had the honour and happiness of enjoying his lordship's acquaintance.”² Other relatives and friends write to the same effect.

After an enjoyment for half a century of a happy married life, Lord and Lady Leven celebrated their “golden wedding” at Melville House on 29th January 1797. But Lady Leven did not long survive that auspicious event, as she died there on the 10th of May 1798, aged 74 years. In his grief for her loss Lord Leven was compelled to allow the general assembly to hold the opening meeting without his presence. When he met the assembly soon afterwards his lordship referred in feeling terms to the circumstances:—

“I meet you now with strong impressions of gratitude for your having been pleased to accept of a message from me, at the opening of the assembly, when deep affliction prevented me from being with you personally: and I do most cordially thank you for the many fervent applications which were made to a throne of mercy for my support under it on the day of your meeting set apart for prayer,—and I earnestly beg the continuance of them.”

In the Life of Selina, Countess of Huntingdon, notice is taken of the

¹ Letter in Melville Charter-chest.

² Letter, 14th June 1802, *ibid.*

exemplary piety of Wilhelmina, Countess of Leven. She was one of a band of excellent ladies in high rank who united in establishing a meeting for reading the Scriptures, to be held alternately at each other's houses. It continued to be well attended and singularly useful for many years. It was strictly confined to a select circle of women in high life, many of whom were ornaments to the Christian church by a life of holiness. The Countesses of Northesk and Hopetoun, daughters to Lord and Lady Leven, Lady Glenorchy, Wilhelmina, Countess of Leven, with her excellent sisters, Lady Ruthven and Lady Banff, etc., were valuable members of that select band.¹

The tradition in the family is that Wilhelmina Nisbet, when in her nineteenth year, and shortly before her marriage, was converted by the Reverend George Whitfield to a life of eminent piety, which she continued to exemplify during the remainder of her long life. Several journals or diaries written by her are still preserved by her grand-daughter Miss Leslie. They are all on religious subjects. Lady Leven was the posthumous daughter of her parents. She was either their nineteenth or twentieth child. There were nine daughters, who were all married,—three of them to peers of Scotland, other three to baronets, and the remaining three to squires.

Among other memorials of this good lady is a farm on the Melville estate, which was specially named after her as Nisbet or Nisbetfield. Part of her correspondence with her eldest son, the seventh Earl of Leven, while Lord Balgonie, has been preserved at Melville House, and will be noticed in his memoir which follows. Several of her letters are impressed with a seal, having on the centre her initials, W. N. L. Below these is an earl's coronet, but above and over all is the peculiar motto, "Holiness is happiness."

The earl and his countess had issue five sons and three daughters :²—

1. Alexander, who succeeded. Of him a memoir follows.
2. Hon. William Leslie, born 8th August 1751. He entered the army as an ensign in the 42d Highlanders or "Black Watch," and went with that

¹ The Life and Times of Selina, Countess of Huntingdon, vol. i. pp. 100, 101.

² From a letter from Lord and Lady Northesk, dated 4th May 1748, it appears

that Alexander was not the oldest child, as a child was born, and died about that date, but the sex of the child is not stated, and it is not named in the list written by Lord Leven himself in his family Bible.

regiment to Ireland in 1771. Writing to his brother, Lord Balgonie, from Belfast on 16th February, "Nothing extraordinary going on here. The Hearts Steell are all come back to the country, it is thought they will kick up a dust again, but don't speak of that as it will make mama uneasy; they fired four days ago at a sergeant of ours and a constable walking together, and wounded the constable."¹ In a later letter he writes, "The parliament [of Ireland] has met, and the ministry has 25 of majority. There was a riot at Dublin, pulled the members out of their chairs, broke noses, gave blue eyes, and tossed their wigs in the air, etc."² In 1773, he left the 42d, and became a lieutenant in the 17th regiment. Three years later, in 1776, when he had attained the rank of captain, he and his regiment were in America, and he served with it in the successful attack on Long Island in August 1776. His letters describe the attack, and also the taking of New York, which was burned by the Americans. He also describes the storming of Fort Washington, and an intended advance upon Philadelphia. This last letter was dated 25th December 1776, and a few days later, on 3d January 1777, he was killed when leading his company against an overwhelmingly superior force at a place near Princeton, New Jersey. His fall was much regretted by his comrades. His body was placed in a waggon, but as the British were forced to retreat, the waggon was taken by the Americans. Shortly after this General Washington and his staff rode up, and inquired what officers were killed. On Captain Leslie's name being mentioned, Benjamin Rush, M.D. of Philadelphia, who had formerly, when a student of medicine at Edinburgh, received great kindness from the Leven family, and who accompanied Washington, showed great emotion, and the body was borne to the rear, and buried with all the honours of war, at Pluckamin, then the headquarters of Washington's army. A monument with an inscription was raised over his remains by Dr. Rush. It stood for sixty years; and was repaired, and the original inscription reproduced in the year 1835, at the request of David, eighth Earl of Leven, the nephew of the young officer. Captain Leslie died unmarried.

3. Hon. David Leslie, born 13th January 1755. He also entered the army, and was with his regiment, the 16th, stationed for a time at Gibraltar, soon after the famous siege of that place in 1782. He afterwards acted as aide-de-camp to his uncle, General Alexander Leslie, while second in command of the forces in Scotland. In 1796 he was sent to Ireland, and was on duty there in various stations till 1804, assisting particularly in quelling the Irish

¹ Letter in Melville Charter-chest.

² Letter, 1st March 1771, *ibid.*

rebellion of 1798. In 1800 he attained the rank of colonel, and in 1808 he became major-general on the North-British staff. He reached the rank of general on 22d July 1838. After retiring from the army, General Leslie resided at Jedbank, near Jedburgh. He married at Glasgow, on 16th January 1787, Rebecca, daughter of the Rev. John Gillies, D.D., minister of Blackfriars Church, Glasgow. General Leslie died at Edinburgh on 21st October 1838, and was interred in the burial-ground of the Abbey of Jedburgh. He left no issue.

4. Hon. John Leslie, born 20th November 1759. He entered as ensign, on 22d July 1778, the first regiment of Foot Guards, and got his rank as captain in the army in July 1781. In 1793 he served in Flanders, and was wounded in an engagement in 1794. He attained the rank of general on 12th August 1819. He married, on 13th September 1816, Jane, eldest daughter and heiress of Thomas Cuming, banker in Edinburgh, who claimed to be the representative of the ancient family of Cuming of Earnside, and assumed the name of Leslie Cuming. He died in November 1824, without issue.
5. Hon. George Melvill Leslie, born 21st April 1766. He frequently acted as purse-bearer when his father was commissioner to the general assembly. He entered the Indian Civil Service in 1802, and was stationed in Ceylon. He married, on 27th November 1802, Jacomina Gertrude, only daughter of William Jacob Vander-Graaff, governor of Java, and died on 8th March 1812, leaving issue one child, Mary Christiana Melvill Leslie, born in Ceylon on 10th November 1803, who resides at Leven Lodge, Portobello.

The daughters were :—

1. Lady Jane Leslie, born 1st April 1753. She married, on 9th November 1775, Sir John Wishart Belsches Stuart, baronet, of Fettercairn, M.P., and had issue one child, Williamina, who married Sir William Forbes of Pitsligo, baronet. Lady Jane died 28th October 1829.
2. Lady Mary Elizabeth, born 4th March 1757. She married, on 8th November 1776, her cousin, the Hon. James Ruthven, afterwards fourth Lord Ruthven, and had issue. She died in 1820.
3. Lady Charlotte, born 22d September 1761. She died, unmarried, on 26th October 1830.

Leven



ALEXANDER, EARL OF LEVEN & MELVILLE,
B. 1749. M. 1784. D. 1820.



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JANE COUNTESS OF LEVEN AND MELVILLE.

XIII.—ALEXANDER, SEVENTH EARL OF LEVEN AND SIXTH EARL OF MELVILLE.

JANE THORNTON, HIS COUNTESS.

1802-1820.

Alexander, seventh Earl of Leven, was born on 7th November 1749. The family papers do not show where he was educated, nor do they tell anything about his younger years. He is referred to in a letter from his father to Professor Mackay in 1761, when he had been ill. Lord Leven wrote :—

“I am much obliged to you for your concern about Sandie. His situation ever since I saw you has been such as to give us the greatest hopes that a little time and care will make him quite well ; he can at present read a distinct hand of writ, but he is only tried to see what progress his recovery makes. I hope his illness will be no material loss to him as yet, as he daily hears his brother’s Latin and French lessons, and has much pleasure in it.”¹

A considerable packet of letters addressed to Lord Balgonie, during the year 1768, and at intervals up to January 1772, by Mr. Alexander Belsches, an advocate, and one of the family of Invermay, contain a great deal of the Edinburgh and other gossip of the day. The character of these letters may be gathered from a few which are printed in this work.² But though interesting in themselves, they contain very little that bears on Lord Balgonie’s personal history. We learn, however, incidentally, that he was a member of the Rhetorical Society of Edinburgh, that he had a taste for music and some ability in performance, that at one period he practised the study of shorthand, and that during the years named he occasionally travelled over parts of Scotland and England.³

In the autumn of the year 1773, Lord Balgonie left home to make a tour on the Continent. He travelled by Newcastle and visited Blenheim, Oxford,

¹ Letter, 13th April 1761, in Melville Charter-chest.

² Vol. ii. of this work, pp. 264-276.

³ It may be noted here that one person whom Mr. Belsches frequently names in his

earlier letters as an intimate friend of Lord Balgonie, was Dr. Benjamin Rush, a young medical man, who left Scotland in 1768, and after some travelling went to America, where he joined Washington and became one of his staff, as noted in the previous memoir.

and other places on his way to London, which he reached on 25th September 1773. He remained in London for a few days, and was apparently presented to the king and queen, after which he went to Margate, whence he sailed to France, about the 15th of October. On his way to Paris he passed through Dunkirk, where he visited the convent of English nuns. He writes:—

“They are most agreeable women, and were happy beyond measure to see a country man (as we are all English in France). I was there two hours, and never more happy. Religion was by no means the topick, tho’ I believe they prayed for me, and of[ten] said to themselves talking of me ‘poor thing.’ There was a beautiful novice [novice] who will take the veil next week. I am affraid not entirely with her consent, which is most terrible to think of indeed.”¹

Lord Balgonie did not then stay long in Paris, but went on to Orleans, where he remained for a time in order to learn French and fencing, his masters in both these subjects being excellent. His immediate surroundings may be gathered from a letter to his father:—

“I dine at a Mons^r *Ricci*, an old Italian gentleman, who having lived much in company takes a method of enjoying enough of it by having a table d’hôte in his house, where every person pays a shilling at dinner and the same at supper. He gives you a good plain dinner and as much wine of his own growth and making as you like. Here we meet every day several French gentlemen and all the English here, who besides Marshal and self amount to five. We have two Marshalls of France, two Chevaliers de St. Louis, in all at dinner about 15, who make a droll mixture, and whose characters will one day make a good subject of a letter to Mary, to whom I am in sad debt. As to lodging, I am remarkably lucky, tho’ I pay rather dear, but the object here is to have a house near to where you dine and sup, and mine is only across a square. I give a guinea a week, and for this I have a very good room without a bed, a nice little room to sleep in, Mr. Marshal has above an excellent bed-chamber where he will sit often, and a clever place for Edward.² . . . I forgot to mention that the man where I lodge is an excellent scholar (very rare in this town, which consists of merchants), and has a collection of books worth 5000 livres which he has allowed me the use of. He is a musician, speaks excellent French, and is by trade a breeches maker. My windows are *vis à vis* *La pucelle d’Orleans* in the Rue royal. She is almost

¹ Letter, Paris, 25th October 1773, in the capacity of companion to Lord Balgonie, Melville Charter-chest. though not as tutor, his expenses being

² Mr. Marshall appears to have acted in paid. Edward was Lord Balgonie’s servant.

as much adored here as the Virgin Mary, which you know is saying a great deal. The statue I mean stood upon the old bridge.”¹

In other letters Lord Balgonie describes the country, the people, their manners and customs. After a stay of three months at Orleans, Lord Balgonie went to Tours, where he appears to have resided in the house of Abbé Rovere, one of the canons of the church of St. Martin of Tours. During his sojourn at Tours Lord Balgonie made a fortnight's excursion into Brittany, which he enjoyed.² From Tours he returned to Paris, where he was frequently assured that he bore a strong resemblance to the king, Louis the Fifteenth. He was very anxious to be allowed to extend his travels to Italy, and, permission being accorded, he set out apparently alone, or accompanied only by his servant, Marshall having parted from him at Paris. He travelled by Dijon, Lyons, and Turin to Florence, on his way to Rome, and at Florence he met “the Pretender,” Prince Charles Edward, of whom he says:—

“I do not remember if I have mention'd the Pretender, who is here with his wife and suite; his wife a fine woman but *gauche* to a degree. I know both very well, and as it is Masquerade time, nous causons beaucoup . . . ³ semble. Il est un homme fort agreable quand il [est] pas gris, cequ . . . pourtant tres souvent. . . . The Pretender speaks English very well, and she a little in the prettiest manner in the world. When fou, he is really drole, but when sober seems to be thoughtfull, which is not surprising in a person situated as he is. He never lets his wife go out of his sight nor from his side. She is very handsome and young; he rather the contrary in both respects. He has about £8000 to spend, three of which are allowed him by his brother the Cardinal, who is immensely rich, weak and a bigot. Apropos you ask me about the conclave. I cannot tell you more about it than if I was with you; all we hear is now and then a rumour of a Pope being elected, which is next day contradicted. However, will be full upon this head from Rome.”⁴

From the same letter we learn that Lord Balgonie was at Florence during carnival:

“The carnival here at present is neither gay nor brilliant. Tho' I have been

¹ Letter, Orleans, 5th November 1773, in Melville Charter-chest.

² Vol. ii. of this work, pp. 278, 279.

³ The letter is here torn.

⁴ Letter, Florence, 24th January 1775, in Melville Charter-chest.

in luck to see more fetes than have been known here for many years past, yet except one, a ball given at the Opera house to the Elector Palatin, they have been much inferior to my expectation, and even this was by halves, as we payd for everything we called for, tho' admittance was gratis, and the salle charmingly illuminated. The stinginess of the Grand Duke, a man of 28, and one of the most humane and affable sovereigns in the world, is beyond description, and his riches are immense, much greater in rarities, quantities of plate, pictures, statues, busts, medals, etc., than allmost any prince in the world; yet he sells by auction, every year during Lent, immense quantities of old beds, chairs, tables, particularly a set of Delft china-ware which my landlord bought for £25 sterling, the designs of which were by the great Raphael."

Lord Balgonie reached Rome on 30th January 1775, and remained there until the 6th of May. During that period he devoted himself largely to sight-seeing, but neither his letters nor the diaries he kept show anything specially noteworthy. At Rome he made the acquaintance of a well-known ecclesiastic of Scottish extraction, Abbé Peter Grant, who wrote to a friend in Scotland, giving a high character of the young nobleman:—

"His lordship has been here these six weeks past, and is a most respectable and valuable young nobleman, extremely prudent, uncommonly accomplished, universally beloved, and truly does honor to our country. He continues here till after Easter, then proposes going to Naples, there to reside for some time."¹

The person to whom this was written, in sending a copy to Lord Leven, adds, "What the Abbé says is confirmed by two very sensible young gentlemen just arrived at Nice from Rome, who seem to be happy in his lordship's acquaintance."

Lord Balgonie wrote from Naples, whither he had gone from Rome, to his father, proposing alternative routes for his return home, by Venice, or by Genoa and the south of France, but how far he carried out his plans is uncertain, as his letters for the last six months of 1775 do not appear to be preserved. While at Naples he visited Pompeii, Pæstum, and other places of interest in the neighbourhood, but the chief impression upon his mind was made by the cruelty to animals and the beggary displayed in the streets of Naples. Lord Balgonie returned from Naples to Rome, and was present at the fêtes given in the last-named city to the Archduke Maximilian in July

¹ Copy, in letter dated 9th May 1775, in Melville Charter-chest.

1775. He has given a brief sketch of the various processions and fêtes in one of his diaries; they seem to have impressed him greatly with their magnificence. Abbé Grant was his guide to some of the festivities, and with them and the illuminations Lord Balgonie was greatly pleased.

It would appear that owing to over-fatigue from his last journey from Naples, and also to the heat of the climate, Lord Balgonie was taken ill while at Rome the second time, but how long his illness lasted is nowhere stated. A letter from Canon Rovere was written and addressed to him at Venice, where he was expected to be in September 1775, but the first notice from himself of his movements is in a letter from Strasbourg, dated 8th December 1775. From it we learn that he did visit Venice and had two narrow escapes from drowning. He was also at Padua, one incident of his stay there being that he was nearly bitten by a scorpion which had crept into his bed. He found the weather very cold at Strasbourg, but enjoyed good health. He expressed a great desire to be allowed to accompany Sir Robert Murray Keith, English ambassador at Vienna, that he might see the business in his office at that court—a study which he hoped might one day be useful to him. This proposal, however, was not agreed to by his father, and instead of going to Vienna, he made a short excursion into Switzerland. He reached Berne on 3d April 1776, passing through Basle on his way. Basle, he writes—

“Is that of all the thirteen cantons which has preserved its primitive appearance, at least in the greatest purity, no doubt not a little owing to the strictness of its sumptuary laws, which permits no lace or embroidery, no velvets, no laced ruffles to men or women, no jewels, no footmen behind carriages, &c.”¹

At Berne Lord Balgonie met an old friend, who gave him a warm welcome, but he was disappointed that the season rendered the glaciers inaccessible.

“Their very singular appearance makes me regret not being able to approach them, tho’ that and every other dissapointment I can possibly meet with in this country is compensated by the very kind and hospitable reception I have here met with.”

Lord Balgonie also visited Geneva, where he saw the so-called “Sage of Ferney,” the famous Voltaire, of whom he writes:—

¹ Letter, dated Berne, 4th April 1776, in Melville Charter-chest.

"And now pray don't suppose me stupid enough to have passed a day at Geneva without going to Ferney to see —, you know who. Dare not mention names in case this letter should fall into certain hands, but upon the whole, in this as well as in most of my undertakings, have been remarkably fortunate, and to tell you the truth from what I have allways heard, and what I had here confirmed in regard to his shyness of seeing people, had hardly hopes of seeing any more than his house and garden. But to my great satisfaction, without giving myself or any body any trouble, met this prodigy walking in the garden alone, where, as you may be sure, not failing to pass quite near him [I] took a good *phizz* of him, when I found him the oldest, 82, most infirm and emaciated figure that I ever beheld, dressed in the same wig and kind of bonnet *cap* that we allways see him represented in, in busts, medals, prints, &c. Again, while I was in his library, in which he has a superb edition of his works, he came in from the garden, and passing thro' the room, he asked my pardon for leaving me alone, but that he found himself very far from well. In fact he had been very ill in the morning, and among other com[plaints] this miserable skeleton so bit with buggs as to be obliged to have his whole bed undone, in which state I saw it. What is remarkable is that the house is full of busts and pictures of him. In one room I observed one statue, one picture in crayons, another in *sewing*, besides a bust, upon the pedestal of which was written *immortalis*, but *modestly* enough a card announced its being given him by the King of Prussia, anno 1775, of whom I also saw here an original picture sent to Voltaire."¹

From Geneva Lord Balgonie travelled by Fribourg, Berne, Zurich, where he visited "the incomparable Gessner," and by the falls of Schaffhausen to Montbeliard, where he was the guest of the exiled Lord Elcho, eldest son of the fourth Earl of Wemyss. Lord Elcho joined Prince Charles Edward in 1745, and was attainted for his share in the rebellion. He went abroad, and was at this time residing in Montbeliard. He was a kinsman of Lord Balgonie, who styles him Lord Wemyss or Earl of Wemyss, and thus writes:—

"But as to this unfortunate noble cousin. He desires me to offer you his best respects, and is pleased to say that he is most sensible of your attention in sending me to wait upon him. He is in good looks, health and spirits, recalls to mind the happy days of Kinnaird with pleasure, as well as those of Cupar races, with many circumstances too tedious to mention. His memory is much beyond

¹ Letter, Geneva, 15th April 1776, in Melville Charter-chest. The last word of the quotation, "Voltaire," has been written in full, then deleted, but is still legible.

that of any person I ever remember to have seen except a beggar at Buxton who, without knowing a figure, used to multiply 6 figures into as many as one desired of him. He [Lord Elcho] is here at the Court of a brother of the Duke of Wurtemberg who beat me yesterday, that I spent the day with him, no less than three games of chess, and whose wife, niece to the king of Prussia, scolded me heartily for having kissed the Pope's slipper."¹

From Montbeliard Lord Balgonie returned to Strasbourg, which he left finally about the 17th July 1776 on his way homeward, travelling by Carlsruhe to Mannheim. On the way he spent a short time at Schwetzingen, the country residence of the Elector Palatine, who received him kindly, and which place he quitted with regret. He wrote from Mannheim to his father, proposing to travel down the Rhine by Mayence, Coblenz, Bonn, Cologne, and Dusseldorf, thence to Wesel, Nymegen, and Antwerp, and other towns in Holland. This plan he carried out, and probably returned home about October 1776. In the following January, the death of his brother, Captain William Leslie, killed near Princeton, in America, caused grief to the family. Lord Balgonie was much attached to this brother, and refers to him in his letters with great affection. He also appears about this time to have been crossed in love, having set his heart upon a young lady whose name is not mentioned, but who is described by his aunt, Lady Northesk, as "a charming girl," and "the first woman in this country." Their circumstances, however, did not admit of a mutual affection being encouraged.²

During the next few years there is nothing specially noteworthy to chronicle regarding Lord Balgonie, except occasional absences from Melville

¹ Letter, Montbeliard, 1st May 1776, in Melville Charter-chest. Lord Balgonie adds to his letter the following memorandum: "Lord Wemyss [Elcho] was bred a protestant, but with strong Jacobite principles, and when young, in the year , was sent by his father to Rome to see the Pretender, when at two different times he was introduced into his apartments at his palace in the Piazza dei Santi Apostoli by a trap door under the table, which was shewn to me when there by the Abbé Grant. In the

1741 my lord returned from abroad, where he had spent four years, and found sitting with his father, my grandfather [the fifth Earl of Leven], and my lord Sutherland, the first of whom was all along his best friend, as he says, and used all his means to prevent his taking the foolish step he did take. The 1742 he spent in Britain, and in 1743 joind our troops in Flanders as a Volontier, where he serv'd a campaign."

² Letter, 27th March 1777, in Melville Charter-chest.

in England or elsewhere. On these occasions he received letters from his parents, especially his mother, whose epistles mingle religious advice with domestic details, and from relatives. One of the most gratifying features of these letters is the great family affection which they display, Lord Balgonie being evidently much beloved by his brothers and sisters. One letter written during this period may be quoted, as it mentions Lord Balgonie as a patron of art. Richard Cooper, an engraver, writes thanking his lordship and his cousin, Lord Banff, for their purchase of some mezzotint engravings from the writer. Cooper refers to an engraving by him "of a famous picture of Rembrandt . . . in the possession of Lord Maynard, who purchased it of our friend Mr. Slade for a good sum," but he does not indicate the subject. He adds:

"I am at present about a most interesting work from Vandike, no less than his original design for what he was to have painted for the banqueting house at Whitehall, the procession of the Order of the Garter. The figures are small, and some of the portraits are discernable, such as King Charles the 1st, Vandike, Inigo Jones, and others. This is a work that all the world knows Vandike was to have done, but went back on account of the troubles of the time, and very few knew that there ever was anything of it. It is a long sketch painted in brown and white upon board, about near 5 feet long and about a foot high. The picture I have been favoured with at my own house belongs to Lord Northington. Walpole makes mention of it in Vandike's life; I intend to imitate it as nearly as I can of the same size, which I shall do by a mixture of engraving and the aquatinta together. You see, my lord, it will be a long print, and I do assure you I think myself very lucky in having got it."¹

The announcement, in 1784, of Lord Balgonie's intended marriage with Jane, daughter of John Thornton of Clapham, Surrey, gave much pleasure to his family, and great preparations were made by the ladies at Melville for the reception of the young couple. The marriage took place on 12th August 1784, and on the following day, Mrs. Thornton, the bride's mother, wrote to Lady Leven sending her sincere congratulations to Lord Leven, herself and family on the completion of an event which the writer hoped would prove the beginning of much comfort and satisfaction to many. The writer adds:

"As Lord Balgonie declared he could give no description, . . . so it is more

¹ Letter, 13th November 1781, in Melville Charter-chest.

than probable a few of my peculiar anecdotes may let you more into the history of this memorable day than what your ladyship would receive either from his lordship or Mr. Thornton. Suffice it to say, that it past off exceeding well; my daughter . . . went thro' the solemn service well, which, with a few exceptions, is a very excellent form, and my brother Conyers, who is a very serious and excellent minister, made it more so by his devout temper. . . . Lord Balgonie behaved throwout the whole scene of the day with the utmost propriety, serious but not sad, and very easy and affectionate. Lord Bamff's unexpected arrival rather enlivened the scene than did any harm, as he brought much ease and good nature along with him, and the dispersing of cake, letter writing, walking, etc., filled up the different intervals of the day very agreeably, and the remarks of the poor and the populace in this neighbourhood, who are not used to noblemen's weddings, occasioned some diversion. As Lord Bamff arrived, while the ceremony was performing, in a chaise with a cypher B and a coronett, he was supposed by some to be the bridesgroom come too late, and as the church door was locked he knocked hard for admittance before he gained it, which the mobility thought very hard; however, they got to know the right gentleman when returning home, and exprest much sattisfaction at his gentility and appearance."

Mrs. Thornton also mentions that Mr. Jonas Hanway, "a character much known and respected in England for his usefulness and benevolence, and as a public man," likewise appeared unexpectedly on the scene, "and seemed much pleased to be introduced to Lord Balgonie."

The marriage was hailed with great joy, and the bride received a warm welcome from her new kinsfolk.² Congratulations poured in upon Lord and Lady Balgonie, who, a day or two later, set out on their way to Scotland, and arrived in Edinburgh about the end of August. He received at this time a letter from his youngest brother, George Leslie, which expresses the feeling of the neighbourhood on the subject:—

"I write this, my dear Bal[gonie] to congratulate you and my dear new sister, upon your arrival in Edinburgh, where I hope you are arrived before now. We are all, as you may belive, sincerly happy in the hopes of seeing you to-morrow, and I asure you that *we* is very comprehensive. It contains the whole parish, who are very impatient to pay their compliments to Lady Balgonie, who is as great a favourite on your account as she will hereafter be on her own, which

¹ Letter, 13th August 1784, in Melville Charter-chest.

² Cf. vol. ii. of this work, pp. 288, 289.

you will allow is saying a good deal. . . . If there are any fireworks to be had I wish you would send them by the bearer; Mr. Erskine of Cardross promised to send me some India ones, but they are not come, which I regret much. . . . I expect to be created master of the revels, which I hope are to take place on this *happy occasion*.”¹

After their visit to Scotland, Lord Balgonie and his wife seem to have gone back to London, and to have remained there for a time. A letter written to him by his mother, Lady Leven, about this period, shows that he was in London, and may be quoted as an example of her letters:—

“My dear Bal, Lady B.’s letter and yours was a prodigious feast to me, and Mr. Henry’s [Mr. Henry Thornton] was the desert; I thank you for affording me the pleasure of transmitting this seasonable bounty. . . . Sorry for Jane’s toothach, hope it is gone. I think, if very bad, it would have kept her from church, at any rate, I fear, from *hearing*. I have been a strong *wrestler* for the church in this way, and I commend her for it. I have so little power now that I must make my will conform to ability, and be thankful that God is not confined to temples made with hands. No weather prevented my sister and I long ago from walking a mile, *three* times a week to attend the early church hours in Edinburgh. They then met at 8 and 9,—*now* reduced to *two* in number, and

deformation

meet at $\frac{1}{4}$ past 10; there is a reformation (*sic*) of manners in every thing since that old date. I thank you for the specimen of correspondence you sent and *beseech* you to send some more of the same; the worthy man has such a pleasure in doing good that he will not withhold such a cordial from one that of late years has few of that nature.² Living in the country and unable to keep up an extensive correspondence, I have but few opportunitys of learning many things that refreshed my spirits when they came to my knowledge, besides that most of my most precious correspondents are now in heaven. You are much indebted for all the substantial proofs you receive of affection and generosity. I trust you will render yourself ever worthy of the love and esteem of such friends; are you not ashamed of Mr. Thornton’s liberality? I thank you for communicating the adventures of a day; I hope you approved as much of the evening exercise of it

¹ Letter in Melville Charter-chest.

² This sentence appears to account for numerous letters from clergymen and from religious friends of the Thornton family which are found in the Melville Charter-

chest. Originally addressed to Mr. or Mrs. Thornton, they were probably transmitted for the edification of the Countess of Leven, and kept by her. Among the writers were the Rev. John Newton, the Rev. John Ber-ridge, and others.

as I did when I read it, a far preferable and more substantial ground for pleasure than that the Pr. of W. enjoyed at the D-ch-ss's. Tis pity but that his highness were introduced to Dr. C—'s meeting. We have had most severe weather, I wonder you say nothing of it, as it was commenced when you wrote. An amazing quantity of snow has faln since Sabbath se'enight and the cold for 4 or 5 days has been intense. Let me know how you feel and if much snow has faln about London. Write to your father whenever you think any thing can be done about the coal; he will turn very keen if once set agoing, perhaps hands should be secured as they are often ill to be got, and also instruments for their work. I will send a note soon to Wheble for candles, hope he will not send what is made in frost as they are always bad. I suppose they give no discount. Is any of the robbers discovered that made the attempt upon Mr. Thornton's house; the man's face that looked in at the window has often been represented to my vision—the poor housekeeper has my sympathy.

"You have not mentioned dear George, but I dare say you do not forget him. He is a fine creature, I hope in God he shall not fall into bad hands. Don't let him go among heathens. Is it not amazing that government does not give encouragement to some pious men to go out with our fleets and armies and to some to settle among our people in different settlements to endeavour to prevent their turning heathens also, which they soon do. Let me hear from you as often as possible as it is a great pleasure. My best respects to all the worthy family, roots and branches, and believe me ever your truely affectionate mother.

"I wish you could procure Herbert's poems, I am sure you would like them."¹

A few months later, in June 1785, the Society in Scotland for Propagating Christian Knowledge admitted Lord Balgonie as one of their members. The reason of this honour on their part was the fact that at the annual sermon preached in London on their behalf the sum collected was £200, a larger amount than had ever before been realised. The society in this recognised the good offices of Lord Balgonie, "who had interested himself in the success of the society, and had prevailed with a number of the nobility and gentlemen to become members of the corresponding board, and that he had personally attended the annual sermon and dinner." They therefore formally thanked him and made him one of their number, a decision which was conveyed to him by his father as president of the society.²

¹ Letter, dated Feb. 24th, probably 1785, in Melville Charter-chest.

² Letter and Minute, 2d and 3d June 1785.

From this period for some years, Lord Balgonie's life seems to have been without much incident. He was appointed in 1786 comptroller of the customs at Edinburgh, and continued to discharge the duties of that office for a considerable period. His correspondence, though voluminous, contains at this date nothing specially noteworthy, an exception perhaps being an account of a visit in 1792 by Mr. and Mrs. Robert Thornton to Miss Hannah More and her work at Cowslip Green. Mrs. Thornton wrote to Lord Balgonie from Penzance, whither they had gone on a pleasure trip:—

"We left Clapham as we proposed, the 30 of August, and came by Buckingham to see Stow, a grand place, but the gardens are much too crowded with buildings for the more chaste taste of the present day. We spent our first Sunday at Cowslip Green, which gave us an opportunity of going with Hannah More and her sister Patty their Sunday circuit to three of their schools. They have literally been the instruments of civilizing the country round them for a diameter of twenty miles, and the effects upon the parents as well as the children is very striking. I never spent so interesting a day in all my life. The neglected situation of these parishes perhaps can hardly be supposed when the Miss Mores first set up their schools. Several of them had not had a resident clergyman amongst them for fifty years, and their employment being to work in mines . . . they were in a manner shut out from the rest of the world, and two of the parishes had not even a family amongst them of the rank of the lowest farmer. They were such absolute savages that Miss More told me, at Shiphham where they have one of their most flourishing schools, they were so devoid of the principles of common honesty, that if any one owed money to any person out of the village the creditor gave up the debt sooner than risk his person amongst them by coming to demand the debt."¹

Mr. Robert Thornton also writes on the same subject, and adds :

"It is impossible to calculate how much good she [Miss Hannah More] does. Miss Patty More also is the most animated creature I ever met with. There is a character for pleasantness and moral conversation in these ladies which I cannot describe."²

Lord Balgonie was, in 1794, appointed by the Earl of Crawford one of his deputy-lieutenants of the shire of Fife,³ and in 1798 he was made

¹ Letter, 15th September 1792, in Melville Charter-chest.

² Letter, *ibid.* [date uncertain].

³ Commission, 12th August 1794, *ibid.*

lieutenant-colonel of the Fifth or Fifeshire Regiment of Militia.¹ The regiment had been embodied in the winter of 1797-8, and was now ready for service. They were marched in the spring of 1799, first to Aberdeen, and thence to Fort George, where they were stationed for a time as guards over those Irishmen who had been taken in the rebellion of 1798, and were confined at that place. Regarding these Colonel David Leslie wrote: "At Fort George you may have the pleasure of guarding our Irish traitors,—they are *slippery chaps*, so *take care of them*. They will leave nothing undone to corrupt your people." Lord Balgonie soon after followed his regiment, and he and his family took up their residence for a short time at Cawdor Castle in the vicinity, their first views of which were not cheering. A friend wrote that there was excellent barrack accommodation at Fort George, but that the situation was remote from society, though well enough in the summer. Lord Adam Gordon, the commander-in-chief for Scotland, wrote: "Lady Balgonie will find plenty of *space* at the *Thane of Calder's* old castle, but not much furniture. It is a pretty old mansion, and may answer for summer." Lord Leven wrote, "I have received yours of Sunday 19th [May 1799], with the awfull description of Cawdor Castle. Sombre as it is, you and Lady Balgonie will be much happier there than in the Fort. The distance of a market, and even bread and beer, will be your greatest inconveniency." Sir Charles Ross of Balnagowan wrote from Ireland:—

"Say everything to her ladyship [Lady Balgonie] that respect and esteem can dictate, and give my love to my dear young friends. I heartily regret being absent from Ross-shire during the time that your regiment occupys the quarter in my neighbourhood; it will afford me peculiar pleasure to think that my place produces any thing that can be at all useful to you or Lady Balgonie, and I have desired my factotum, Mr. Baillie, at Knockbreak by Tain, to send you some hens and eggs whenever you apply for them. The best way will be for you to make one of your soldiers go from Fort George and bring them over; the distance is not above twelve miles. I wish with all my heart that you commenced your military career with more pleasant service and in a more agreeable country, but in those days we must make the best of anything. We have just received accounts of the French fleet having got out of Brest, and there seems every reason to think that their destination is Ireland. We soldiers never can be better

¹ Certificate of qualification, 14th July 1798, in Melville Charter-chest.

prepared to receive them, but I shall not regret being deprived of my share of the *laurels*, if Lord Bridport is fortunate enough to meet with them. They have many friends in this unhappy land, and I fear that nothing but trying the experiment will convince the wretches that the *fraternal embrace* is not of all blessings the greatest. I am sorry to say that a Paddy is something like a nettle, he must be squeezed hard to prevent his stinging, and if the French get amongst them, they will probably meet with enough of that discipline.”¹

Lord and Lady Balgonie, however, notwithstanding the “desolate state” of Cawdor Castle, remained there from May till November, when they returned to Edinburgh. In the following year, 1800, his lordship was again with his regiment, which was stationed at Aberdeen.

Lord Balgonie succeeded his father as Earl of Leven on 9th June 1802, and assumed, being the first in the family to do so, the designation of Earl of Leven and Melville. This was probably owing to the creation of another peerage of Melville only six months after his succession. The famous statesman, Henry Dundas of Melville, in Midlothian, was created Viscount Melville on 24th December 1802, apparently in ignorance of the existence of the earlier and higher dignity of Earl of Melville, which had not been assumed by the holders of it after the death of the first Earl of Melville in the year 1707. Following out his adoption of the title of Melville in addition to Leven, the Earl’s younger children, in 1803, assumed the surname of Melville in addition to that of Leslie. This step was taken partly in consequence of an urgent request on the part of General Robert Melville, who was a son of a former minister of Monimail. The general wished to leave his landed property to a series of heirs, including Lord Leven’s second son and his younger brothers successively, on condition that they should assume the surname of Melville, “being the ancient paternal surname of their family.” This proposal was made in August 1802, after Lord Leven’s accession, but the question as to Lord Balgonie’s younger sons bearing the name of Melville had been raised and discussed some years previously, and an opinion expressed in 1795, that not only might the Earl of Leven assume both titles, but that the younger members of the family might take the name of Melville alone.²

¹ Letter, 9th May 1799, in Melville Charter-chest.

² Paper in Melville Charter-chest.

When, however, General Melville's proposal was made in 1802, Lord Leven at first demurred, for although he admitted that his sons already assumed the name of Melville in addition to that of Leslie, he objected to the stipulation that it should be assumed in place of Leslie. This point, however, was afterwards arranged, and in April 1803 it was agreed that the surname of the younger members of the family should be Leslie-Melville.

The Earl was, in December 1804, a candidate for election as one of the sixteen representative peers of Scotland, but was not returned as such till the general election of 1806. His daughter Jane, aged ten, writes to her mother: "We all congratulate dear papa on his good success, and thank you and Lucy for your kind letters, which we were happy to see franked by papa, who is greatly improved in his writing. I fancy he has had a lesson or two from Mr. Butterworth."¹

In the year 1813 the Earl of Leven and Melville was required to appoint a professor of chemistry in St. Andrews University in the following circumstances: Five years previously Mr. John Gray of London left part of his estate for various purposes in Scotland, including, first, £500 to be invested for paying the yearly salary of a schoolmistress in the parish of Cupar, to instruct "the young females in the proper branches of female education," under certain conditions, and under the patronage of the Countess of Leven for the time, who should examine the scholars; and secondly, the sum of £2000, to be invested in the name of the principal and masters of the United College of St. Andrews, to pay "the salary for a professor of chemistry in the said university," together with two bursaries of £10 each, which were to be competed for. Lord Leven was specially nominated patron of the professorship, but the opportunity for acting on the will did not occur until some time afterwards. Mr. Gray died about 1811, but there was some difficulty about the funds at the disposal of his executor, and Lord Leven's first nomination was only made in 1813, by the appointment to the chair of Dr. Patrick Mudie, a physician of St. Andrews.²

One of the earl's correspondents about this time was the Rev. Thomas Chalmers, then minister of Kilmany, a parish not far from Melville House.

¹ Letter, 18th December 1806, in Melville Charter-chest.

² Papers on the subject in Melville Charter-chest.

He wrote to Lord Leven a few days after his acceptance of a call to be minister of the Tron Church in Glasgow, a characteristic letter expressing gratitude for kindness on the earl's part.¹ Another correspondent was the veteran agriculturist, George Dempster of Dunnichen, whose activity in promoting the fisheries and agriculture of Scotland in the beginning of this century is well known. He sent, as a present to Lord Leven, a "*Skibo* cow," which he recommends for its fattening qualities, and for its colour. "It may pass for a deer that has strayed from the herd, and if not doomed to the *baulk*, would make a pretty gentle pet for a lady—a pad, indeed, if the lady lived in Astracan."² Two years later the octogenarian donor again refers to the cow, and alleges that, if it be "suffered to breed, the park of Melville might have a herd of animals little less ornamental than deer, and nearly as delicious as the deer kind."³ The letters of Charles Kirkpatrick Sharpe to Lord Leven will be found to be written with even more than his usual raciness of style, and some of them contain references to his books.⁴ Sir David Wilkie, the well-known painter, was also one of the earl's correspondents.⁵

In the beginning of 1818, the Earl of Leven and Melville lost his countess, who, after a comparatively brief illness, died on 13th February in that year. Writing to his eldest son, who was then in Italy, Lord Leven says:—

"DEAR DAVID,—The sad event you have been led to expect took place in so easy a way as not to be hardly distinguished by the tender anxious witnesses surrounding her deathbed. You know it took place on the 13th, about 3 o'clock, and if two restless nights are excepted, her pain was not severe, her suffering moderate, and her death easy; that prepared as she was for the change, it ought to be our ambition to live so as to hope for a peacefull removal and a blessed eternity. . . . The funeral did not take place till the 21, to give John a power of coming, tho' not from his late fatigue hardly expected, assuring you that from the arrangements made which the time admitted of, every point was conducted with becoming decency, propriety, and the approbation of many hundreds who, both here and at Markinch, in spite of bad weather, testified their silent affection in return for many instances of kind charity administered to them. Yesterday, too,

¹ Vol. ii. of this work, p. 308.

² *Ibid.* p. 309.

³ *Ibid.* p. 317. The writer adds to the sig-

nature of his holograph letter, an intimation that he is aged eighty-four.

⁴ *Ibid.* pp. 314, 317-324.

⁵ *Ibid.* pp. 325-327.

Sunday the 22d, at church, where she was a close attender, renewed our grief, especially when by name her character was fully and justly and truly delineated by Dr. Martin, whose wife, if not a corpse, was left all but so; but she in the evening rallied, to the surprise of all. The turn-out was most respectable, twenty carriages, most of the gentlemen in our neighbourhood, and nearly every farmer and fear of the estate, to the number of some hundreds."¹

The letters which have been preserved relating to the death of Lady Leven all speak of her in the highest terms.

The earl did not long survive his countess, as he died about two years later, on 22d February 1820. They had issue nine children:—

1. David, Lord Balgonie, who succeeded. Of him a memoir follows.
2. Hon. John Thornton Leslie-Melville, who became ninth Earl of Leven and eighth Earl of Melville. Of him a memoir follows.
3. Hon. William Henry Leslie-Melville, born 19th May 1788. He entered the service of the Hon. East India Company, and sailed for India on the 5th March 1808. He reached the Cape of Good Hope on 31st May, and Madras in August of that year. He was detained at Madras some time by the illness and death of his cousin, the Hon. David Ruthven, who was one of his companions on the voyage, and whose loss he very deeply regretted. He reached Calcutta about the 24th of October. Few of his letters from India seem to have been preserved, but he appears to have liked the country and his work. He was engaged at first in the commercial and later in the judicial department of the company's service. In 1817 he was, at his own request, made assistant to the superintendent of police at Calcutta, an active situation, and one in the way of promotion. He returned home before 1832, and in 1841 was made a director of the East India Company. At this period he took much interest in the history of his family, made many researches as to its origin and descent, and prepared for the press a selection from the letters and papers of his ancestor, George, first Earl of Melville, which was printed for the Bannatyne Club in 1843, as "The Leven and Melville Papers." He died unmarried on 9th April 1856.
4. Hon. and Rev. Robert Samuel Leslie-Melville, born about 1793. He entered the Church of England, and gave promise of much excellence in his profession, but his career was comparatively short. In 1825 he was in Italy, evidently in search of health, and died on 24th October 1826, unmarried.

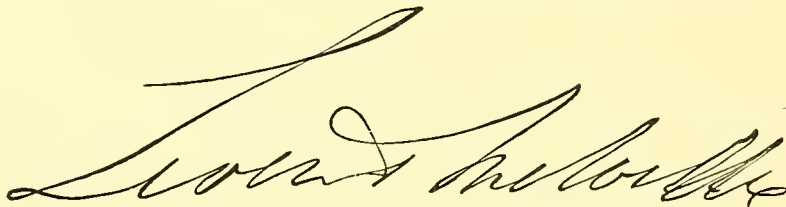
¹ Letter, 23d February 1818, in Melville Charter-chest.

5. Hon. Alexander Leslie-Melville of Bramston Hall, county Lincoln, born 18th June 1800. He entered the legal profession, and was called to the Scottish bar. According to one of his eldest brother's correspondents, he made his "maiden speech" as an advocate at the Perth circuit in September 1824. It "did him great credit. I noticed with what satisfaction Lord Pitmilly listened to it."¹ He married, on 19th October 1825, Charlotte, daughter of Samuel Smith, M.P., of Woodhall Park, Hertfordshire. She died on 26th April 1879. Their issue are enumerated in the genealogical table.

The daughters were—

1. Lady Lucy Leslie-Melville, born 10th December 1789; died 11th February 1791.
2. Lady Lucy Leslie-Melville, born on 26th January 1794. She married, on 14th July 1824, Henry, third son of Samuel Smith, M.P., and had issue. She died on 23d December 1865.
3. Lady Jane Elizabeth Leslie-Melville, born on 16th May 1796. She married, on 13th October 1816, Francis Pym, of the Hasells, Bedfordshire, and had issue. She died on 25th April 1848.
4. Lady Marianne Leslie-Melville, born on 30th November 1797. She married, in 1822, Abel Smith of Woodhall Park, M.P., and died at their residence in Berkeley Square, London, on 22d March 1823, without issue.

¹ Letter, the Earl of Kellie to Lord Leven, 24th September 1824, in Melville Charter-chest.

A large, elegant handwritten signature in dark ink, which appears to read "Lord Melville". The script is fluid and cursive, with a prominent initial 'L' and a long, sweeping underline.



DAVID EARL OF LEVEN AND MELVILLE.

BORN 1785, DIED 1880.



Chas. Laurie Sc 1839

ELIZABETH ANNE, COUNTESS OF LEVEN AND MELVILLE.

MARRIED 1824, DIED 1863.

XIV. 1.—DAVID, EIGHTH EARL OF LEVEN AND SEVENTH EARL OF MELVILLE.
ELIZABETH ANNE CAMPBELL (OF SUCCOTH), HIS COUNTESS.
1820—1860.

David, eighth Earl of Leven, was born on 22d June 1785. After the death of his grandfather in 1802 his courtesy title was Lord Balgonie. In 1792 his father began to inquire as to a public school for him. His uncle, Mr. Samuel Thornton, in reply wrote, "with respect to your inquiries about David, I believe Rugby to be the best of the schools you have mentioned; I should greatly object to Westminster, and think him also too young for Eton."¹ A few days later he wrote that he thought on the whole Eton preferable to Rugby, "having turned out such good scholars as Grey, Whitbread, and some others of late, and such steady ones as young Brogden, etc."² It would appear, however, that Lord Balgonie was placed at a private school near London.³ But during the years before his grandfather's death the references to him are of the most casual and meagre description.

He entered the Royal Navy before March 1800, and in the year 1808, when his ship, the *Cygnet*, visited Leith, he appears to have resided at Melville for a few weeks. In the following year, 1809, he was with the British fleet under Collingwood, as a lieutenant on board the *Ville de Paris*, Lord Collingwood's flag-ship, of 110 guns. In an attack upon a French convoy which had sailed from Toulon and gone into the Bay of Rosas, on the north-east coast of Spain, Lord Balgonie volunteered to command one of the boats which were to be engaged, and took charge of one from the *Topaz*. The action began about four in the morning, first on the French store-ship, and then on the convoy. In writing about it to his father, he says, "Almost every vessel proved armed, but they were taken one after another under showers of shot from four batteries . . . in less than two hours there were ten sail burnt and four towed out. The explosions were grander than anything

¹ Letter, 31st October 1792, in Melville Charter-chest.

² Letter, Nov. 5, *ibid.*

³ A letter by him to his father, without date, but written in a round half-text hand, is sent from Wandsworth. He refers to his garden and other amusements.

I ever saw.”¹ One of the vessels towed out was taken by Lord Balgonie, and he was specially mentioned for his gallantry by Lord Collingwood in his despatches. In consequence, no doubt, of his dash on that occasion, he was in December following promoted to the rank of commander, and received the command of a brig,² although not long before he had written to his father expressing considerable anxiety about his prospects of advancement.³ His naval career cannot be traced in detail from the family papers. He was promoted to the rank of post-captain in 1812, and appears to have retired from active service in the spring of 1814, somewhat out of health. Referring to this, a friend writes to him, in a spirit of banter:—

“Your safe arrival in your native country has given us all much pleasure. I was afraid your noted gallantry to the fair sex would induce you to exert yourself too much on the voyage, and perhaps hurt your health. In your short note to me you do not mention whether the cough has left you; you must now be very careful of yourself, and recruit after the London campaign. I am informed by very creditable authority that you not only entered into the gayities of the town during my absence, but that you were frequently seen of cold raw nights bellowing among the link boys for some of the old dowagers’ carriages. Now, my good friend, in your delicate state, you should not carry your good-nature so far.”⁴

Lord Balgonie again went abroad in the years 1817-1819, and was at Naples or at least in Italy at the time of his mother’s death. He left Rome about the middle of June 1819, when he thus wrote to his brother John:—

“At last I am off from Rome, and must say it is almost with regret, there are so many objects of admiration and interest that one must get some taste for one of the arts during a short residence. I believe if I had remained a few months longer I should have begun to paint. Several ladies have been tempted, and have made some progress. Mrs. Captain Graham really copies well in three weeks. Eastlake,⁵ a friend of mine, was the general master, and very much liked. He is to paint me two or three pictures of Greece and Sicily where we were together. He is very clever, and I expect they will be good. When my old pictures arrive I should like Lord and Lady Caledon to see one of them, a

¹ Letter, 2d November 1809, vol. ii. of this work, pp. 304, 305.

² He was at a later date in command of H.M.S. *Romulus*.

³ Vol. ii. of this work, pp. 305, 306.

⁴ Letter, Edmund W. Knox, 10th July 1814, in Melville Charter-chest.

⁵ Afterwards Sir Charles Eastlake, president of the Royal Academy.

Crucifixion, which we admired another copy of much together. Mr. Eastlake also wishes a friend of his to see it." ¹

Not many months after his return home, he succeeded to the title and estates on the death of his father, and appears to have continued to reside at Melville, except when called to London in connection with his duties as a representative peer. He intended to go there in the spring of 1821, as appears from a letter of his friend Mr. Eastlake,² but it is not certain if he went; and although invited to attend, he was not present at the coronation of King George the Fourth, which took place on 1st August 1821.³

The Earl of Leven married, on 21st June 1824, Elizabeth Anne Campbell, second daughter of Sir Archibald Campbell, second Baronet of Succoth.⁴ His uncle, General David Leslie, a few days before the event, wrote congratulating him on his happy prospects, and upon having selected a partner for life, whose superior good qualities must ensure to him "that domestic felicity which is the choicest blessing of heaven." General Leslie and his wife, however, were unable to be present, but sent their best wishes, and Mrs. Leslie added: "May you keep the anniversary of the 21st fifty years hence, as was the lot of your worthy grandfather and grandmother to do after a union of fifty years, and I verily believe in all that long time they never had one dispute or any serious difference even of opinion."⁵

At the general election of the sixteen representative peers of Scotland held on 3d June 1831, Lord Leven was elected one of them. His lordship was re-elected at every subsequent general election, including that of 10th May

¹ Letter, 18th June 1819, in Melville Charter-chest.

² Vol. ii. of this work, p. 332.

³ A letter to him, of date 6th July 1821, from his cousin, Samuel Thornton, thus comments on the approaching ceremony. "We are disappointed in not being likely to see you or your sisters in town, after all the hopes you have been holding out to your brother. I am not the less sorry at the diminution of splendour, and I may add of respectability, which the approaching coronation will suffer by the absence of several other members of the ancient nobility of the

country beside yourself, which together with the circumstance of there being no *ladies* to walk in the procession, has made me so careless about witnessing this pageant that, unless it is for the fun of seeing the scramble in Westminster Hall (the only real sight after all), I doubt whether I should be willing to spend three weeks' half-pay upon a seat, either in the abbey, hall or booths."

⁴ He is designated in the certificate of banns as "Sir Archibald Campbell of Garscube."

⁵ Letter, 11th June 1824, in Melville Charter-chest.

1859, which was the last previous to his death, so that he held the position of a representative peer for the long period of thirty-eight years. His first election in 1831 had special reference to the impending struggle on the Reform Bill. His opinions, however, were not on all points in accord with those of the Conservative party, to which he usually adhered, as some correspondence with the Earls of Rosslyn and Harrowby, the managers for the opponents of the Reform Bill, shows. The debate in the House of Lords on the second reading took place in the beginning of October 1831, and in August the earl wrote to Lord Rosslyn enclosing his proxy, and expressing the hope that it would be placed in hands disposed to promote the great object for which he came forward at the last election. He added that it was his desire to make certain concessions to the reform party so as to avoid collision with the popular voice.¹ But his views were not encouraged by Lord Rosslyn.² In a later letter, dated 29th September 1831, Lord Leven gave reasons why he could not be in London at the second reading.³

Lord Rosslyn in his reply expressed sanguine hopes that the bill would be defeated,⁴ and, as is well known, this debate in the House of Lords ended in the rejection of the first Reform Bill. With various alterations it was again brought forward in the next session, passed by a large majority in the Commons, and sent up to the House of Lords in due course. Lord Leven had not gone to London, but still took a deep interest in the matter. As he and Lord Rosslyn did not wholly agree about the bill, and believing that Lord Harrowby, who, though he had made a powerful speech against the second reading of the first bill, was disposed to accept the new bill with certain alterations and omissions, most nearly represented his own views, Lord Leven wrote to him in the end of February 1832 :—

“As I concur generally in the view your lordship has taken upon the question of reform, and regard compromise as the only mode of extrication from the difficulties in which the country has been placed by the government, permit me to offer my support to your lordship should it be agreeable to continue to take a lead in promoting that object.”⁵

¹ Copy letter, 8th August 1831, in Melville Charter-chest.

² Copy letter, *ibid.*

³ Copy letter, in Melville Charter-chest.

⁴ Copy letter, 4th October, *ibid.*

⁵ Copy letter, 27th February 1832, *ibid.*

The earl then expressed a desire to transfer his proxy from Lord Rosslyn to Lord Harrowby, and the latter in reply stated his surprise and gratification at Lord Leven's concurrence with his views. Lord Rosslyn, however, wrote :—

“I cannot help believing that your lordship has acted upon erroneous information, for it is not only acknowledged by Lord Harrowby and Lord Wharncliffe that there exists at present no compromise with the government upon any part of the question, but it is certain that the ministers omit no opportunity of disclaiming all intention to concede any point of importance, and afford no encouragement to hope that they will yield anything to Lord Harrowby, or those who may join him in voting for the second reading.”

Lord Rosslyn then proceeds to point out wherein he thinks Lords Harrowby and Wharncliffe are mistaken in their view of the situation, and their hope of averting the threatened creation of new peers by voting for the second reading and then altering the bill in committee. He comments at some length upon what he styles their fallacious calculations, and concludes by recommending Lord Leven to attend the committee stage of the bill.¹

Lord Leven's reply fully indicates his position and sentiments. After thanking Lord Rosslyn for giving effect to his wish about his proxy, he says:—

“I regret, however, very much to find that you, as well as some others of my political and private friends, attach so much importance to that step, and indeed regard it as little less than a secession from the conservative party. I can only say I never contemplated it in that light, and I have not pledged myself to anything beyond the sentiments expressed by Lord Harrowby on the second reading of the late bill in the House of Lords. . . . Your lordship may recollect that when I first transmitted my proxy to you, I expressed a hope that some compromise might be attempted. In reply you followed the argument since taken by your party and Lord Harrowby in the House of Lords that no modification would render that bill an expedient measure. I did not perceive any advantage likely to arise from continuing the discussion at that time, but my opinion remained unchanged, and the best consideration I could since give the subject has tended to confirm it. It appeared to me that amongst the enormous difficulties which on either side beset the subject, and the settlement of it, our only prospect of extrication lay in selecting some middle points which might still preserve much of the spirit and substance of our constitution ; that any leading

¹ Copy letter, 2d March 1832, in Melville Charter-chest.

person making the effort even must carry with him a very large and respectable party in the nation, House of Lords, and perhaps the government, who at present regard the tories as pledged to resist all reform; that Lord Grey, although he maintains the doctrine of resistance to all material alterations, may explain those terms as he likes, and I cannot but believe he will yield rather than adopt a measure so subversive of the constitution as the creation of peers; that in fact joining property with population as the basis of representation is a considerable concession; that I am unable to perceive any hope of settling the question by continued and uncompromising resistance to the whole of it, and that the attempt to come to terms, if not met by ministers in a fair, candid and reasonable spirit, must contribute to place them still further in the wrong, while in my opinion nothing of moment is lost in making the effort.

"Such, in my humble judgment, are some of the grounds which recommend compromise, and when I found a person so highly respectable as Lord Harrowby coincide with me, and disposed to propose something specific, your lordship will understand, altho' you do not concur with me, my reasons for wishing to strengthen his hands in any negotiation in which he might engage according to the sentiments he had declared. Feeling deeply sensible of the importance of the crisis, and how necessary it is to inform myself upon the subject, I have determined to go to London for the second reading.

"I should regard a breach in the conservative party at the present moment as a serious evil, and not perceiving among them any such essential difference in principle as should lead to separation, I cannot but hope so heavy an addition to our difficulties may be avoided. However this may be, it affords me great satisfaction to learn that the difference of opinion which exists between us on this occasion will make no alteration in our private friendship, and that I may continue to hold these sentiments of regard and esteem I have ever entertained for your lordship."¹

The earl's resolution to proceed to London and to be present at the debate on the second reading appears to have been not altogether spontaneous, as a letter addressed to him on 5th March 1832 contains a strong expression of opinion about his procedure. The writer says:—

"I am sorry you have withdrawn your proxy from Lord Rosslyn and given it to Lord Harrowby, as by so doing you separate yourself entirely from the party who assisted in bringing you in as one of the sixteen, and if you have any wish of being a representative peer next parliament you cannot expect their

¹ Copy letter [no date] Melville Charter-chest.

support, and I think it would have been better had you adhered to the same opinion which guided your vote last time upon this awful question, and you should recollect that your principal support was from those peers who have always been opposed to the *principles* of the Reform Bill, and who of course understood you to entertain the same sentiments, and by voting for the second reading you at once admit the principle. But all this must have occurred to yourself, and you are the best judge of your own conduct, and I only hope you will excuse the liberty I have taken in saying what I have done, and if you should change your mind you have still plenty of time to give your proxy to whom you please. I have no doubt of the bill going into committee, but I confess I should have liked to have seen it do so without your support. Lord Grey certainly holds a *carte blanche* to make as many peers as he may think necessary, and he will of course exercise that power not only to carry the Reform Bill, but any other measure that may be proposed.”¹

This last statement, though no doubt believed by the writer, was at this stage somewhat premature, but the whole tone of the letter appears to have weighed with Lord Leven, who on the 12th March wrote again to Lord Harrowby that he had desired to support the propositions for compromise thrown out by him, but intimating his intention of being present at the debate in person. To the copy of this and the other letters, Lord Leven adds a note that he had received an answer from Lord Harrowby, and in reply had stated more distinctly that if no reasonable compromise according to his views was effected with the Government, he would reserve his decision upon supporting the second reading of the bill until he reached London, and informed himself further upon the subject.² The result was that Lord Leven did attend the debate, and he voted against the second reading, being thus opposed to Lord Harrowby, who voted for it.

The earl was on 31st October 1846 promoted to the rank of a retired rear-admiral, and this appears to be the chief public event recorded regarding him during a long series of years. He took no very active part in politics, but lived privately, devoting much of his time and attention to the furtherance of local interests and the amelioration of the condition of his tenants and labourers. In this respect he followed in the footsteps of his predecessors,

¹ Copy extract from letter, in Melville Charter-chest. The name of the writer is not stated.

² Copy letter in Melville Charter-chest.

and it was the boast of some of his tenants that they and their fathers had possessed their farms on the estate for close upon three centuries. The family of Leven and Melville always gave much attention to their estates, and studied to introduce agricultural improvements and to encourage good farming, while the steadings and cottages were models of excellence. A notice of the Earl of Leven, written in a local newspaper at the time of his death, remarks, "The late earl was not behind any of his predecessors in kind consideration for his tenants. He had his own way—as who has not—but for genuine kind-hearted interest in the prosperity and well-being of all on the estates, tenants and workers, his lordship was one in a thousand; and not less honourably distinguished in his efforts for the welfare of the people within the reach of his influence, than were the houses of which he was the worthy representative in the annals of their country's struggle for liberty and peace."¹

From the same source we learn that in matters of local public interest, the earl "was among the foremost. He took a deep interest in the formation of the Fife Railway, of which he was the first chairman, and with his relative, Mr. Balfour of Balbirnie, almost the only considerable holder of stock in the county. To every other public object of general utility he gave a liberal and hearty support, and the latest—the volunteer movement—has also had his cordial sympathies and liberal contributions. The active interest he took in the welfare of the labourer seemed even to increase with his failing strength. He was always providing employment for them, and otherwise contributing to enable the aged to have comfort in their declining years." When he died "he was busily engaged in a well-formed and extensive plan for the erection of additional buildings, especially of new cottages where he considered them required." He was also one of the trustees of the Bell bequest, and in that office lent a most beneficial influence to the cause of education.

Some years before his death great grief and anxiety were caused to Earl David, by the illness and death of his only surviving son, Alexander, Lord Balgonie. The family arrangements which Earl David thought fit and proper to make in the crisis which thus arose, have been fully explained in the Introduction, to which reference is made.

The earl died of apoplexy at Melville House, on 8th October 1860, at the

¹ Fife Journal, quoted in Courant, 12th October 1860.

age of seventy-five, and his remains were interred in the family burying-place, at the old church of Monimail. He was succeeded in the lordship and barony of Monimail and other lands known as the estate of Melville, by his eldest daughter and heir of line and entail, Lady Elizabeth Jane Leslie Melville, then Cartwright. The peerages of Leven and Melville were inherited by his lordship's next brother, the Hon. John Thornton Leslie Melville, as nearest heir-male under the investitures.

Earl David was survived, for upwards of three years, by his countess, Elizabeth, who continued to reside at Melville House, and died there on 6th November 1863. Her remains were interred beside those of her husband. A monument to his memory, in the present church of Monimail, which was commenced by the countess, was completed in 1868 by their surviving children, Elizabeth, Anne, Susan, and Emily, in affectionate remembrance of both their parents. Their issue were two sons and four daughters.

1. Alexander, Lord Balgonie, born 19th November 1831. Educated at Eton, he entered the army in December 1850 as ensign, and became lieutenant in the 1st (Grenadier) Foot Guards, of which the Duke of Wellington was colonel. His majority was celebrated at Melville House in November 1852, and not long afterwards he accompanied his regiment to the East at the outbreak of the Crimean war. He served during the greater part of the campaign of 1854, acting as aide-de-camp to General Sir Henry Bentinck, and attained the rank of major. At the battle of Inkerman his horse was shot under him, and when the ammunition had run short, he stopped a donkey laden with stones for the trenches and rolled them down on the Russians. Lord Balgonie inherited the ardour of his ancestors for military service, and was a most promising young officer, of great amiability of character, and much beloved in his regiment. He, however, suffered severely from the hardships of the Crimean campaign, and towards the close of the year 1855 was obliged to return home. A few days after his return he was to have been presented with the freedom of the burgh of Cupar at a dinner given there, but was suddenly seized with the illness which afterwards terminated fatally. The following autumn, just before starting to spend the winter in Egypt, in September 1856, the freedom of the burgh of Cupar was presented to him at Melville House. He spent the winter and spring of 1856-57 in Egypt, in a vain attempt to regain his health, and, returning to England, died at Roehampton House,

Surrey, the residence of his uncle John, on 29th August 1857. His death, which was deeply mourned by his sorrowing parents and numerous relatives, occurred on the eve of a county festival in his honour. His remains were brought from Roehampton to Scotland, and interred in the family burying-place at the old church of Monimail. The tenantry on the Melville estates and the neighbouring gentlemen erected, in the church of Monimail, a marble tablet with an inscription which narrates his military services and lamented death, and states that his high principles and kind and gentle disposition endeared him to all. There is also an inscription on a monument to him in the Guards' Chapel in Wellington Barracks, London.

2. Honourable David Archibald Leslie Melville, who was born on 14th October 1833, and died on 20th October 1854, unmarried. His remains were interred at the old church of Monimail.
1. Lady Elizabeth Jane Leslie Melville, who succeeded to Melville.
2. Lady Anna Maria, who married, at Paris, on 26th April 1865, Sir William Stirling-Maxwell, Baronet, of Keir and Pollok, K.T. As the result of an accident, Lady Anna died at Keir, on 8th December 1874. Sir William survived her and died on 15th June 1878. They had issue two sons, Sir John Stirling-Maxwell, Baronet of Pollok, and Archibald Stirling of Keir.
3. Lady Susan Lucy, who was appointed lady-in-waiting to Her Royal Highness, the late Duchess of Kent, in 1859, and was with her till the death of the Duchess in 1861. In 1866 Lady Susan was appointed lady-in-waiting to Her Royal Highness, Princess Christian of Schleswig-Holstein, on her marriage, and resigned in 1883.
4. Lady Emily Eleanor, born 22d May 1840. She married, on 28th March 1864, John Glencairn Carter Hamilton, of Dalzell, who was created Baron Hamilton of Dalzell in 1886. Lady Emily died on 11th November 1882, much regretted by all classes in her neighbourhood, leaving surviving issue three sons and four daughters.

David Melville

XV.—2. LADY ELIZABETH JANE LESLIE MELVILLE CARTWRIGHT OF MELVILLE.

THOMAS ROBERT BROOK LESLIE MELVILLE CARTWRIGHT, HER HUSBAND.

On the death of her father, David, eighth Earl of Leven and seventh Earl of Melville, Lady Elizabeth inherited the family estates of Melville as heir of line. In the lifetime of her father, about two years previous to his death, she married, on 2d November 1858, Thomas Robert Brook Cartwright, second son of Sir Thomas Cartwright, G. C. H., of Aynhoe, Northamptonshire, Minister Plenipotentiary to the Diet of Frankfort, and afterwards Envoy Extraordinary to the Court of Sweden and Norway, where he died in April 1850, survived by his widow, who is still alive in her eighty-sixth year. The Cartwright family, various members of which have been distinguished in war, politics, and invention, is descended from Hugh Cartwright, who lived in the reign of King Henry the Seventh. His eldest son William was the ancestor of the Cartwrights of Norwell and Marnham, while Roland, the second son, was the ancestor of the Cartwrights of Aynhoe. Roland's grandson, Richard Cartwright of the Inner Temple, purchased, about 1600, the Manor of Aynhoe, which has ever since remained with his descendants. William, grandson of Richard, married as his second wife Ursula, seventh daughter of Ferdinando, second Lord Fairfax of Cameron, a sister of the famous Thomas, Lord Fairfax, and their son was the direct ancestor of the present representatives of the family.

After the succession of Lady Elizabeth to the Melville estates, Mr. Cartwright adopted the additional names of Leslie Melville before his own. They have had issue, one son and four daughters.

1. Alexander William Leslie Melville Cartwright, born 5th March 1863, died 24th September same year.
1. Elizabeth Harriet Leslie Melville Cartwright, born on 18th August 1859.
2. Marian Leslie Melville Cartwright, born on 11th February 1861.
3. Frances Agnes Leslie Melville Cartwright, born on 22d January 1862.
4. Ursula Leslie Melville Cartwright, born on 17th July 1864. She married, on 7th August 1889, Charles Walter Cottrell-Dormer of Rousham, Oxfordshire, captain in the 13th Hussars.

XIV.—2. JOHN, NINTH EARL OF LEVEN AND EIGHTH EARL OF MELVILLE.

HARRIET THORNTON, HIS FIRST WIFE.

SOPHIA THORNTON, HIS SECOND WIFE.

1860—1876.

John Thornton Leslie Melville, who succeeded his brother David, as heir-male, in the peerages of Leven and Melville, was born on 18th December 1786. He appears to have been educated at a private school near London. In 1804 it was intended that he should proceed to Russia, apparently in connection with the business of his uncles, the Messrs. Thornton, but the idea was abandoned. He afterwards, in 1809, acted as assistant deputy paymaster-general to the forces under Sir Arthur Wellesley, then in the Peninsula. In one letter which has been preserved Mr. Leslie Melville gives a sketch of the situation in Spain after the battle of Talavera. He regrets that the date of his commission did not allow him to be present at that conflict, and adds :—

“Every officer I have spoken to on this subject assures me that such a fight with such unequal numbers was never seen before. . . . I am told the French claim the victory since our retreat, but they ought in justice to remember who maintained the field of battle, and who were the first to fly. Indeed our coming away at all was not so much from fear of the same army returning to attack us, as from knowing that Soult’s army, of at least 15,000 infantry and 5000 cavalry, were within three days’ march of our rear.

“You will ask how our commander-in-chief suffered them to get there? (which we flatter ourselves is the only part of his conduct which can be called in question), and thus it is to be explained. They could only get into this position by one road, and *that* is commanded by the pass of *Gata*, where *Cuesta*¹ placed 300 men and guns enough to defend it; but as soon as a few French cavalry appeared in sight away they went, leaving guns and everything else for the French, in spite of the perswasion of an English officer who attempted to get them to do their duty. But the truth of the matter is, altho’ so much is said of

¹ The Spanish general.

Spanish patriots, of their *spirit*, and *determination to die or free themselves from the French yoke*, they are a complete set of cowardly banditti who will submit, after our departure from the country, to the will and pleasure of Joseph Bonaparte, and if the game is really up in Austria, in my humble opinion he will very soon have quiet possession of this kingdom, tho' if our government please to defend Portugal, they will not find it easy to drive us from thence. As for comparing, either as *soldiers* or as a *people*, the Portuguese with the Spaniards, the former are decidedly superior in both points of view, and the only advantages possessed by the Spaniards are a more fertile soil (to which they do no justice), and a handsomer race of females, for whom they will not fight.

"But, to give the devil his due, I believe the common Spanish *soldiers* are not so much to blame as the *officers*, for the latter generally run first. The Portuguese are pretty well off for English officers, and considering the short time they have had the command, it is wonderful to see their state of discipline. I saw General Beresford at the head of 6000 of them a fortnight ago, and very well, indeed, they looked. Our own army are now very sickly indeed, and growing more so every day, owing to the scarcity of provisions. No wine or brandy can be procured, and many days the *whole* ration of bread cannot be served out, sometimes none at all. Report says we are to retire as far as *Elvas* on the borders of Portugal, but this seems to me to depend upon our finding provisions plentiful or scarce in our *retreat*. Sir Arthur could not now muster above 16 or 17,000 men here, but General Catlin Crawford is on the north of the Tagus with 7000 fresh troops, who have never yet been engaged. We all blame ministers for not sending Lord Chatham's expedition here, not, however, wishing for his *lordship's* presence, but that the troops should have been under the command of Sir Arthur Wellesley.

"We are at present encamped on the bank of the river Guadiana within a $\frac{1}{4}$ of a mile of the town of Merida. . . . All the paymasters of the different regiments at Talavera have been put under arrest for running away from the battle, and it is expected to prove a serious matter to most of them. Some of the commissaries have been dismissed the service for the same offence. Our officers and men fought like lions—many have to lament the loss of their friends, but it was a glorious fight. The regiments that were in the hottest of it were the Brigade of Guards, 23d Light Dragoons, 48th Regiment, and 47th Regiment—the last had every officer, except 3, killed or wounded. Two friends of mine, Christie and Sandilands, both Fife men in the Coldstream Guards, received slight wounds in the leg and were taken with the rest of our wounded at Talavera; but they have both since had the good fortune to be exchanged, and

we expect them to join as soon as their wounds will permit. Sir Arthur wrote to Mortier,¹ after we left Talavera, to claim every attention to our sick left, and to ask permission to send an officer with money to them. The answer was 'that they were in the hands of *Frenchmen*; that rations should be served to them before the French army received any; that no money was necessary, for he would furnish any sum required out of his own pocket until the matter was arranged by his Government, and concluded by assuring Sir Arthur he should always have the highest respect for him and the brave English nation.'

"My own exploits have been none, except a very rapid retreat, for on my way to join Sir Arthur by the regular road from Lisbon I got within 10 English miles of four hundred of Soult's cavalry who were within two miles of the place I intended to have slept at that night, and advancing on the road to meet me. However, I went back 47 miles to Castello Branco, and after remaining some days at that place I crossed the Tagus at the famous bridge of Alcantara, and proceeded to join Sir Arthur, who had retreated as far as Truxillo, when I got up to him. The French have made this town (famous for being the birth-place of Pizarro) quite a heap of ruins. It stands in a very commanding situation, and from the remains of Moorish walls, towers, etc., has in days of yore been a very strong place. . . ."²

It does not appear how long Mr. Leslie Melville remained with the army, but he was in London in the year 1812, if not earlier, and he must therefore have left Spain before the end of the Peninsular war. Beyond this date, scarcely anything can be gathered of his career from the family papers. He entered into business and became one of the original partners in the London banking-house of Williams, Deacon, Labouchere, Thornton & Co., and he continued a partner till within a few years of his death. His elder brother, David, eighth Earl of Leven, dying, in 1860, without surviving male issue, the Hon. John Leslie Melville succeeded to the titles and dignities of the family, and became ninth Earl of Leven and eighth Earl of Melville. At the first general election after his succession he was chosen one of the sixteen representative peers of Scotland, on 28th July 1865. He was re-elected at subsequent general elections previous to his death in 1876.

¹ French General.

² Letter from Merida, 31st August 1809, addressed to General Robert Melville. In a postscript the writer adds a wish that the

General would "send this letter to my father to read; as we march to-morrow. I know not when I shall be able to write two more sheets to anybody."

In the year 1869, the earl purchased the estate of Glenferness which formed part of the lands of Coulmony and others on the south side of the river Findhorn in the barony and parish of Ardelach, late regality of Spynie, and county of Nairn.¹ Glenferness thereafter became his principal Scottish residence. The family arrangements under which this ninth Earl of Leven and eighth Earl of Melville acquired the old Melville barony of Hallhill in the county of Fife, and other lands there, have been fully explained in the Introduction, and need not be repeated here. This earl attained to the great age of ninety years. He retained all his faculties of mind and body to the last. A paralytic attack ended fatally at Glenferness on Saturday, 16th September 1876. The earl was twice married, first on 15th September 1812, to his cousin Harriet, youngest daughter of Samuel Thornton of Clapham. She died after apparently a lingering illness, on 26th July 1832. His second wife, to whom he was married on 23d April 1834, was another cousin, Sophia, fourth daughter of Henry Thornton of London. By his two wives this earl had issue:—

1. Alexander, eldest son of the first marriage, who succeeded him as Earl of Leven and Melville as aftermentioned.
2. Alfred John Leslie Melville, born 5th June 1826. He entered the service of the Hon. East India Company, and died at Penang, on 25th May 1851, without issue.
3. Ronald Ruthven Leslie Melville, eldest son of the second marriage, who succeeded as eleventh Earl of Leven and tenth Earl of Melville as aftermentioned.
4. Hon. Norman Leslie Melville, born on 5th February 1839. He entered the army, and was a captain in the Grenadier Guards. He married, on 4th December 1861, Georgina, daughter of William Shirley Ball of Abbeylara, county Longford, and has issue. [See Genealogical Table for his children; also for his younger brother and sisters].

¹ The price paid for the western portion of Glenferness by the Hon. John Leslie Melville was £47,900; and for the eastern portion of it by the trustees of his eldest brother, Earl David, and entailed on Earl John, was £12,000, in all £60,000. [Record of Sasines, County of Nairn, vol. i. pp. 108, 113, 175.]

XV.—3. ALEXANDER, TENTH EARL OF LEVEN AND NINTH EARL OF MELVILLE.

He was the elder son of the first marriage of his father, and was born on the 11th January 1817. He was educated at Eton and Trinity College, Cambridge. He early engaged in business as a banker at Windsor, and afterwards became a partner in the banking-house of Williams, Deacon & Co., London. On the death of his father in September 1876, he succeeded to the peerages of Leven and Melville. At the general election held on 16th April 1880 he was elected one of the sixteen representative peers of Scotland, and was re-elected at subsequent elections held previous to his death. He also inherited from his father the estates of Hallhill in Fife and Glenferness in Nairn. He died at Glenferness on 22d October 1889, aged 72 years, unmarried, when his peerages and the entailed estates of Glenferness and Hallhill devolved upon his half-brother, the Honourable Ronald Ruthven Leslie Melville.

XV.—4. RONALD, ELEVENTH EARL OF LEVEN AND TENTH EARL OF MELVILLE.

He was the eldest son of the second marriage of his father, and was born on 19th December 1835. He was educated at Eton and Christ Church, Oxford, where he took his degree of M.A. On the death of his elder brother, as above stated, he inherited the peerages of Earl of Leven and Earl of Melville, and also the estates of Hallhill and Glenferness, the latter being his principal residence in Scotland. He married, on 7th May 1885, Emma Selina, eldest daughter of the second and present Viscount Portman, and has issue:—

1. John David Leslie Melville, Lord Balgonie, born at Portman House, London, on 5th April 1886.
2. Archibald Alexander Leslie Melville, born at Glenferness on 6th August 1890.
3. Constance Betty, born at Roehampton House on 7th August 1888.

THE EARLS OF LEVEN AND LORDS BALGONIE.

I.—SIR ALEXANDER LESLIE, FIRST EARL OF LEVEN. BORN *c.* 1580: DIED 1661.

AGNES RENTON (BILLIE), HIS COUNTESS.

This distinguished soldier and statesman was a cadet of the historical house of Leslie, of which the Earls of Rothes were chiefs, and one of whom, in the time of King Charles the Second, attained the rank of Duke of Rothes. The earliest known ancestor of the Leslies appears in the twelfth century, when David, Earl of Huntingdon, who was also Lord of the Garioch, granted to Malcolm, the son of Bartolph, the lands of Lessele, and their name became the surname of the descendants of Malcolm. These lands are situated in the parish of Leslie in the lordship or earldom of Garioch and county of Aberdeen. Through marriages with the heiress of Rothes in Strathspey, and with a co-heiress of Abernethy on the Tay, the Leslie family at an early date obtained large possessions in the shires of Moray and Fife, and with these estates the fortunes of the Leslie family were long associated.

Sir Alexander Leslie, the subject of this memoir, was descended from the Balquhain branch of the Leslie family which long flourished in the district of the Garioch. He is stated to have been a son of Captain George Leslie, who was second son of George Leslie, first Laird of Drummuir, who was the third son of Alexander Leslie, first Laird of Kininvie, who was the second son of George Leslie, first Laird of New Leslie, who was second son of Sir William Leslie, fourth Baron of Balquhain.

George Leslie, the father of Sir Alexander Leslie, first Earl of Leven, was captain of the castle of Blair in Athole in the reign of King James the Sixth, and had the repute of being a brave soldier. He married Sybil Steuart and had issue three sons, John, George, and David, and several daughters. He was also the father of Sir Alexander Leslie, first Earl of Leven. Captain George Leslie married after the death of his first wife for the purpose of legitimating his son, Sir Alexander, who had by that time distinguished himself as a military commander, and risen to the rank of general.¹

¹ Historical Records of the family of Leslie, by Colonel Leslie of Balquhain, vol. iii. p. 356. Several histories of the Leslie family have appeared. One of the earliest is known as the *Laurus Leslæana*, which was published at Gratz in the year 1692. It was the work of the Rev. William Leslie, younger son of Patrick, Count Leslie, fifteenth Baron of

Balquhain. A more detailed history of the family of Leslie was published in the year 1869 by the late Colonel Leslie of Balquhain in three volumes octavo. According to the contemporary journal of David, second Earl of Wemyss, the mother of the first Earl of Leven was a "wench in Rannoch."—[Original ms. Journal at Wemyss Castle.]

Only a few writs relating to his brothers and sisters in connection with Sir Alexander Leslie are preserved in the Leven charter-chest. The earl gave his sister, Margaret Leslie, on her marriage with George Law, *fiar* of Brunton, in 1643, a *tocher* of 13,000 merks, and after the death of her husband the earl arranged for her second marriage, when she was styled "Lady Brunton," in 1647, to Lieutenant-Colonel James Brainer. To Janet Leslie, daughter of the deceased Colonel George Leslie, brother of the earl, his lordship, on her marriage, in 1642, to Alexander Pennecuik, surgeon, burghess of Edinburgh, who was probably father of Dr. Pennecuik of Newhall, gave a *tocher* of 2000 merks. His brother, Captain John Leslie, gave another 1000 merks.¹

From the circumstances connected with his birth, the education of Leslie in the ordinary branches of learning appears to have been neglected. His signatures "A. Leslie" and "Leuen" are the only specimens of his handwriting which have been discovered in the Leven charter-chest. He formed the letters of his name as if each letter was printed instead of written in the ordinary form. All his signatures, whether as a commoner or a peer, are quite distinct, and we cannot agree with Lord Hailes when he says that his signature of "Lesley" is so awkward and mis-shapen as to confirm the tradition of his being absolutely illiterate. Many a distinguished man of letters has had a more illegible signature than Leslie. Lord Hailes states that while upon a march, Leslie, in passing by a certain house, said, "There is the house where I was taught to read." "How, general," said one of his attendants, "I thought that you had never been taught to read." "Pardon me," replied he, "I got the length of the letter g."² The letter on which Lord Hailes comments is quoted as signed "Lesly." But it must have been misread, as he signed "A. Leslie" before he was made a peer. Leslie is not the only distinguished general who has been accused of being illiterate. Dundee was said by Sir Walter Scott to spell like a chambermaid, while Lord Macaulay said that Dundee's letters would have disgraced a washerwoman. But although Dundee's spelling was defective, he was far from being an illiterate man, as his holograph letters instruct. Uneducated, however, as Leslie was, he affords a very striking example of a man with a neglected education possessing a great military genius, and raising himself to the highest position in the profession of arms. This will appear in the following narrative of his remarkably successful career as a military commander.

Colonel James Turner, in his *Memoirs*, states that Alexander, first Earl of Leven, was over eighty years of age when he died in 1661. That age would fix

¹ Contracts and Discharges in Melville Charter-chest.

² Records of the Leslies, vol. iii. pp. 357, 358.

the date of his birth as in or before the year 1580. Trained in youth like his father and brothers, Captain John and Colonel George Leslie, to carry arms, Alexander Leslie went abroad apparently before 1605, taking service with the Dutch, who were then engaged in war with Spain. He was a captain in the regiment of Horatio, Lord Vere, in that campaign, and afterwards obtained a commission in the army of Gustavus Adolphus, king of Sweden, and as in 1638 he had been in the Swedish service for thirty years, he must have entered it about 1608. Under that renowned leader, commonly called the "Lion of the North," the military genius of Leslie won rapid recognition. He was soon promoted to the rank of lieutenant-general, and afterwards made a field-marshal. In the thirty years' war in Germany, he acted for long a conspicuous part. In 1628, when Gustavus Adolphus entered on the war with the imperialist troops, the important seaport of Stralsund, on the Baltic, was placed by Denmark under his protection, though at the time it was invested by the victorious army of Wallenstein. The latter had threatened and vowed to take the town, "though it were fastened by a chain to the heavens," and to make its site as flat as a table. It was the last hope of Germany, and Leslie was chosen by Gustavus to replace the Danish commander who had hitherto conducted the defence. He was thereupon appointed governor of Stralsund, and also of the cities along the Baltic coast. Colonel Munro speaks of Leslie at this date as an expert and valorous Scots commander, and narrates that, having some Scottish regiments with him, and desirous of winning credit for his countrymen, he made a sortie with them alone. He adds that they were forced to retire, but it was with their faces to the enemy.¹ So well was the defence of the city now managed, that the imperialist general was, with his army, compelled to withdraw, and Leslie, to whom this success was due, was greatly idolised by the citizens, who munificently rewarded him. Medals were struck in commemoration of the relief of Stralsund. One of these in solid gold was given by Gustavus Adolphus to General Leslie. An engraving of it is given in this work from the original medal at Melville.

When, in 1631, James, third Marquis, afterwards first Duke of Hamilton, raised a force of six thousand soldiers to assist the King of Sweden in this war, Leslie was deputed by the latter to take command immediately under the Marquis, with the rank of sergeant-major-general, and to act as adviser to his lordship, as had been promised in the formal agreement between Gustavus and Hamilton. Leslie was authorised to prepare for the landing of the British troops, and also to provide for their being supplemented by new levies in Germany. Careful instructions were given him by the king, which directed his

¹ Munro's Expedition, 1637, pp. 75-78.

going to England to meet the marquis if that should be necessary. The appointed landing-place was Bremen, at the mouth of the river Weser, but as the setting out had been delayed, and the imperialist troops held much of the country between that town and the positions then occupied by Gustavus Adolphus, the marquis, who had been joined by Leslie in England, thought it more expedient to proceed to the mouth of the Oder in Pomerania.¹

Having landed in Germany at the end of July 1631, the Anglo-Scottish troops proceeded up the Oder towards Silesia. Very soon after commencing the campaign at least a third of the force fell victims to sickness and death. But, though thus diminished, they reduced and took possession of the towns of Crossen, Frankfort, and Guben on the Oder. The town last named lay in the province of Silesia, and on the strength of a report that it was but carelessly guarded, Leslie was sent with a small force to take it. He, however, found his information false, and had recourse to stratagem to obtain an entrance. Concealing himself in the suburbs until sunrise, when the bridge was lowered, he seized it, broke open the port with hatchets, and secured an entrance for his own forces. Thence Leslie accompanied the Marquis of Hamilton to effect the reconquest of Magdeburg, which had been taken amid fearful carnage by the imperialist general, Tilly. It was now a city of the first importance, strongly garrisoned, and containing the treasure collected by the imperialists. After some months' siege it was surrendered, the garrison being allowed to withdraw.

When the Marquis of Hamilton returned to Britain, Leslie remained in Germany, and was present at the battle of Lutzen, where, on the 6th November 1632, Gustavus Adolphus was killed. He sent a graphic account of the circumstances of the king's death to James, Marquis of Hamilton; and in the letter Leslie evinces his interest and concern for the triumph of the protestant cause. His opinion was that the king of Bohemia, the brother-in-law of King Charles the First, should take the command of the protestant army and continue the struggle;² but that prince had neither the influence nor the force of character requisite for being a successor to the great champion of the reformation, and, moreover, his career was cut short by death only two months later.

The particular services of Leslie in Germany are not now easily ascertainable, but, among other engagements, he took part in the siege of Brandenburg, in March 1634, which surrendered to him on the 16th of that month, and he afterwards went into Pomerania; thence he returned in May of the same year to assist

¹ Vol. ii. of this work, pp. 13-19, 77-80. Report on the Duke of Hamilton's Manuscripts, by the Hist. MSS. Commission, pp. 69-73.

² Vol. ii. of this work, pp. 82, 83.

in the reduction of Frankfort on the Oder.¹ In the spring of 1636 he had the command of the army in Westphalia, and among his conquests were the castle of Petershagen upon the Weser, the relief of Osnabrück, and the capture of the town of Minden on the Weser, which commanded a pass of considerable importance. While in this place he despatched Colonel Robert Munro to Scotland for the purpose of raising new levies, and especially commended him to the Marquis of Hamilton for assistance from the court. Leslie also, by a letter to King Charles, acquainted him with the doings of his subjects in Germany, referring him to the marquis for a detailed account of his own engagements, the narrative of which he had sent from his camp at Herford in Westphalia.²

Success, however, was not always on the side of the protestant troops, and the next letter which has been found from Leslie, and which is dated from Stockholm on 15th September 1637, relates a retreat from Torgau, in Saxony, whence they were pursued down the Elbe to Tangermund and Neustadt and Schwedt, in Pomerania. On reaching Stettin, Leslie, seeing no opportunity at once of resuming the offensive, crossed over to Stockholm to make new arrangements respecting the army. In this letter Leslie places before the Marquis of Hamilton, to whom he is writing, the extremity to which the protestant cause must now be reduced if timely help were not afforded.³ Leslie appears, however, to have returned to Germany to continue the war in the protestant interest, as on 19th September of the same year, for his conduct in Pomerania, he received instructions signed by Axel Oxenstierna, the Swedish chancellor, and other officers of state. A few days later he received a yearly pension of 800 *rex* dollars, in consideration of his great services under Gustavus Adolphus; and his son, Alexander, who was also in the Swedish service, was promoted to the rank of colonel.⁴

But just at this time events in Scotland were hastening to a crisis in the same direction as in Germany—a war on account of religion—and when the second reformation progressed, and it was seen that for its maintenance recourse to arms was inevitable, the eyes of the nation turned towards Germany, where so many of its sons of military skill were, and especially to Leslie, whose fame as a soldier was established throughout Europe. He was entreated to transfer his acknowledged warlike abilities to the service of his own country. Leslie, and many of the Scots with him, at once responded to the call. He obtained letters of demission from Queen Christina of Sweden, dated 14th August 1638, which were couched in terms of grateful recognition of long services—

¹ Report on the MSS. of the Duke of Hamilton; Hist. MSS. Commission, p. 91.

² *Ibid.* pp. 92, 93; vol. ii. of this work, pp. 84-87.

³ *Ibid.* pp. 87, 88.

⁴ Original Swedish Documents in Melville Charter-chest.

for thirty years—under her grandfather and father; and, on the same day, she granted an order on the board of war that Sir Alexander Leslie should be furnished with two field-pieces and two thousand muskets,¹ which Leslie is said to have taken in part payment of his salary. Turner says that the administrators in Sweden encouraged the Scots to go home. In October following, Leslie crossed from Germany in a small barque, which, by its unpretentiousness, escaped the English cruisers sent to intercept him. He was in full sympathy with the reformation movement, and actively supported it. By way of preparation, as Baillie states, he caused “a great number of our commanders in Germany subscribe our covenant, and provided much good munition,”² and he was one of those who subscribed the libel against the bishops.³

On his arrival in Scotland, the direction of military operations was at once intrusted to Field-Marshal Leslie, as none of the nobility had the military experience which he possessed. Spalding says he caused cannon to be cast in the Potterrow, by Captain Hamilton (afterwards general of artillery to the covenanters), he sent to Holland for all kinds of arms and ammunition, and also to all the continental countries in which he knew his countrymen were engaged in military service, bidding them return for patriotic duty. He established a council of war composed of nobles, colonels, captains, and other wise and expert persons, and commenced to fortify Leith. He also levied men and drilled them.⁴ Baillie’s testimony is to the same effect: “Much help we gott from good Generall Leslie, who satt daylie with our general committees. His advise in giving of orders was much followed. We intended to give unto him when the tyme of need came, as we did, the charge of our generallissimo, with the style of His Excellence, but for the present he was diligent, without any charge, to call home officers of his regiments, to send for powlder, muskett, picks, canons, wherein from Holland, Swaine,⁵ Germanic, we were pretty well answered.”⁶

Then Leslie’s tact and management sometimes stood in place of arms. An instance of this occurs at the very commencement of operations in his obtaining the surrender of Aberdeen and securing adhesion to the Covenant by the Marquis of Huntly in April 1639. The opposition in the North, led by the marquis, had become so great that an expedition was despatched to cope with it. The Earl of Montrose was nominally in command, but Leslie was sent with him, and, as Spalding says, everything was done by his advice. From this temporary preced-

¹ Original Documents in Melville Charter-chest.

² Letters, vol. i. p. 111.

³ Gordon’s History of Scots Affairs, vol. i. p. 127.

⁴ Memorials of the Troubles, vol. i. p. 130.

⁵ Sweden.

⁶ Letters, vol. i. p. 192.

ence Montrose expected always to be preferred to Leslie in military affairs, and it was the disappointment of his ambition in this respect that afterwards caused Montrose to take umbrage at the covenanters. Baillie says in reference to this: "When the canniness of Rothes had brought in Montrose to our party, his more than ordinaire and civill pride made him very hard to be guided. His first voyage to Aberdeen made him swallow the certaine hopes of a generallat over all our armies. When that honour was put on Lesley, he incontinent began to deale with the king."¹

But that in point of fact this command was only given to Montrose as a sop to his ambition, and that General Leslie was not only a tower of strength to the covenanters, alike by counsel, service, and renown, but also a terror to his enemies, is shown by a letter from Ulick, Earl of St. Albans and Clanricarde, then governor of Berwick-upon-Tweed, to secretary Windebank, in which he says—"We shall have some leisure to repair the ruins that time and neglect have wrought here, General Lesley being not yet returned to Edinburgh since Aberdeen was rendered to him without a blow struck, according to former examples. By his learning and oratory he has wrought upon the tender conscience of Marquis Huntley to swear the covenant, by which you may know how the 3000 arms sent to his [Huntly's] assistance will be employed."²

It was the king's resolution to put a stop to the work of reformation in Scotland that gave the signal for active hostilities on the part of the Scots. Lists of all men able to bear arms, and of the kind of arms they possessed, were prepared in every parish and district. One of Leslie's first exploits was the taking of the castle of Edinburgh. It was done in half an hour, and without the loss of a soldier on either side. One afternoon in March 1639, Leslie, accompanied by certain noblemen, and supported by the town's armed bands, walked up to the castle gate, and demanded the surrender of the fortress. The constable, Archibald Haldane, uncle of the Laird of Gleneagles, absolutely refused, and after some parley, the two parties took apparent farewell. Before departing, however, Leslie applied a petard to the outer gate, by the explosion of which the gate was destroyed. Then the inner gate was plied with axes, hammers and rams, scaling ladders were attached to the walls, and ere the garrison could recover from their astonishment the castle was in the hands of the covenanters.³

When the levies for the army were made Leslie was unanimously chosen general of all the Scottish forces by land or sea, horse and foot, and of all forti-

¹ Letters, etc., vol. ii. p. 261.

² Letter dated from Berwick, April 14th, State Papers, Domestic, 1639, p. 39.

³ Baillie's Letters, vol. i. p. 197; Balfour's Annals, vol. ii. p. 321.

fied places, with plenary powers; and in bestowing his commission upon him the whole estates of the realm assembled in convention swore to give him all dutiful obedience in this office. His commission was to endure "so long as we ar necessitat to be in armes for the defence of the couenant, for religione, crowne and countrie, and ay and whill the Lord send peace to this kingdome."¹ Baillie remarks that in this "verie ample commission" there was but one proviso, "that he should be subject to answer to the courts, ecclesiastick and civill, according to the settled laws of the kingdome."²

As the royalist troops were by this time assembling at York, Leslie ordered a general muster of the Scottish forces at Leith on 20th May. One reason for choosing this place may have been that the Marquis of Hamilton with a fleet in the interests of King Charles now lay in the Firth of Forth. All sorts of rumours as to Leslie's intentions went to England. One Dr. Watts, who had been in the wars of Germany, is reported as stating the general's mind to be not to risk a pitched battle with the royal forces, as it might be difficult to bring another Scottish army into the field.³ Another report reached the king's ears and was repeated by himself at the English treasurer's table at Raby Castle, that General Leslie had said he would meet the king upon the Borders, or rather near Berwick, with 30,000 men and would there parley with him. "Most intolerable insolency of so worthless a vassal to such a sovereign!" writes the narrator.⁴ He also notes in another letter that General Leslie sent to the Marquis of Hamilton "who lies at anchor before Leith, this 'braving' message, that hitherto they had constantly made good the mutual agreement and resolution concluded among themselves, which was not to appear in way of hostile invasion upon any English ground or man, whom hitherto they had not wronged to the loss of a hen, or hurt of a broken pate. But now, seeing his Majesty's preparations by land and sea, his lordship having taken or stayed some of their ships, and the frontier towns made good against them by our new planted garrisons, it was now high time for them to fall off from their first intentions, and to think of the invasive as well as of the defensive part. That he so little regarded his lordship's navy and forces, that were the sea shore covered with angels of gold, yet not a man should dare to set foot ashore to touch a piece."⁵ According to the same writer, this interchange of pleasantries between the two commanders, who were formerly comrades in arms in Germany, continued for some days. "The Marquis of Hamilton keeps the sea, and demanding fresh water is denied by Lesley, who braves him, and

¹ Vol. iii. of his work, pp. 162, 164.

² Baillie's Letters, vol. i. p. 203.

³ State Papers, Domestic, 1639, p. 51.

⁴ Edward Norgate, brother of the Earl of Warwick, 19th April, *ibid.*, pp. 59, 66, 67.

⁵ *Ibid.* 12th May 1639, p. 162.

bids him come and fetch it.”¹ But in a later letter he gives an incident which shows that though Leslie acted thus towards his own countrymen who were in arms on the king’s side he made a distinction in regard to Englishmen. Several of the latter had landed from Hamilton’s ships a few miles from Leith fort in search of water, and being taken by the coast-guard were brought before Leslie, who happened to be in Leith at the time. Satisfied of their nationality and business he said he was glad he was there to defend them from the ill-usage of the soldiers, and bade them fetch vessels, and take as much water as they would.²

There can be no doubt that at this period General Leslie was the leading and most powerful man in Scotland. This was admitted in both nations. Among the Scots his influence was such that it excited the admiring wonder of Baillie himself. Referring to the courageous spirit shown by the Scottish army, which he accompanied as one of the chaplains, he says:—“Also Leslie, his skill and fortoun made them all so resolute for battell as could be wished. We were feared that emulation among our nobles might have done harme when they should be mett in the fields; but such was the wisdom and authoritie of that old, little crooked souldier, that all, with ane incredible submission, from the beginning to the end, gave over themselves to be guided by him, as if he had been great Solymán. Certainlie the obedience of our nobles to that man’s advices was as great as their forbears wont to be to their king’s commands; yet that was the man’s understanding of our Scott’s humours, that gave out, not onlie to the nobles, but to verie mean gentlemen, his directions in a verie homelie and simple forme, as if they had been bot the advyces of their neighbour and companion.”³

Among the English also Leslie was regarded as the real head and guiding spirit of the Scottish movement, and everything that could be learned of his private or public procedure was greedily reported. He was said to be “a great rich man,” possessed of two earldoms in Germany, and one in Sweden, and to have also purchased two lordships in Scotland worth £2000 per annum. One Englishman, who had frequent discourses with the general, told how he resided in a mean lodging in Edinburgh, “not surrounded with legions, as we have been told, and but meanly attended.” Another, writing from the fleet in the Firth of Forth, says in a letter to Secretary Windebank:—“I cannot but advertise you that the impudence and insolence of Lesley are come to such a height as it is incredible. I will instance only this, that he sits at table with the best of the nobility of Scotland at the upper end covered, and they all bareheaded; that in the letters or acts that are subscribed by them . . . he signs before them all. He boasts he

¹ State Papers, Domestic, 16th May 1639, p. 180.

² *Ibid.* p. 190.

³ Letters, vol. i. pp. 213, 214.

will make my Lord of Holland to rise without his periwig; that the king's army is not able to stand against him, and the like stuff, which I know you can no more bear than I write without indignation." The same writer states in another letter that at the meetings of "the tables" of the covenanters, Leslie "sat at the upper end of the table with his hat on, and all the rest, whereof many were ancient peers, stood uncovered." Also that absurd stories were circulated to inspire awe for Leslie, as his having eaten a toad, etc. It was considered to be a test of loyalty if, where the English soldiers came, the inhabitants prayed for the king and cursed Leslie. Norgate gives a few instances of this, where at Coldingham the women met the king's troopers, crying "Grace! grace! God and the king!" and cursing Leslie with many a malison. At Dunbar, he says they were also met by the women (for never a male appeared) crying for mercy and saying: "We are all for God and the king, and the deil take Lesley."¹

When it was ascertained that the king's army was drawing near Berwick upon Tweed, the following letter was sent from General Leslie to be circulated through the country, to rouse the citizens to action:—

"Whereas it was formerly appoynted that if the king's army should approach the borders with any great forces, that upon warning all should be readie upon the first call to march to the borders with what armes they could find, horse or foot; this is therefore to warn all that love the good of this cause and their own safety, to come in all haste once this week, and to bring what they can of a month's provision, and let the rest follow them; for if they come, a competent number together, we shall be able, by God's assistance, to hold them up from breaking in into the countrey, in the which, if once they gett footing, it will not be easie to bring them to a stand; and upon the guard of thir parts is the safety of the whole kingdom. They that shall be found wanting now, are enemies to this cause and their countrey. Stirr up one another, and remember that your chartour chists are lying at the borders. We shall bear them witness. But let none stay at home, when strangers are hired for 3s. a week to make us all slaves. They are not worthie to be free men who will stay at home and neglect their countrey, which is now readie to bleed for their neglect. Some of the enemies are come over the border, Ethrintoun is taken; Eymouth is feared to be taken this night, where there is a verie great magazine of victuals. If horse and foot haste not, we can hardlie hold them up. Be not wanting to yourselves, and be confident God will send an outgate to all these difficulties. So, in haste, looking for all dispatch at their hands whom the lyke concerns, I rest."²

Similar letters from the general and noblemen associated with him followed

¹ State Papers, Domestic, 1639, pp. 226, 227, 234, 267, 271, 520.

² Baillie's Letters, etc., vol. ii. pp. 438, 439.

these. And on the eve of their march to Duns Law they sent from Dunglas in East Lothian a message rallying their countrymen on their supineness, and on the manifestation of a spirit to withdraw from the undertaking. In this letter the general and his associates say :—

“The sword wes drawn befor, now it is at the throat of religioun and libertie, if it have not given a deipe wound already. . . . Our inexcusable fault is that the power committed to us we have not used, altho we have sworne and subscrived to do it. It will seime that people are rewing what they have been doeing, and will subject their necks to spirituall and bodily slavery, may be desperately heir and for ever, whilk we are loath to conceave ; or that some spirit of slumber hes overtakin them, and possessed them, whilk maketh them think that the fyre is not kendled, when the flame may be seen, and all is in ane burning. We can say no more, but we sall resolve, under the conduct of our Lord, to whom we have sworne, to go on without fear, and in ane livelie hope. If our countrie men and fellow covenanters, equallie obliged with us, sall either withdrawe themselves or come too laite, it may be to the burying of our bodies, whilk with the cause itself might be saved by their speid, horse and foote, let them answer to God for it ; to whose grace, counending ourselves and yon, we continue, your loving friends.”¹

Leslie led an army of nearly 30,000 horse and foot to Duns Law, where he encamped in full view of the English host. Some skirmishing took place, and the English began to feel uneasy. The king, however, remained “as fixed as unconcerned ; and when it was hastily told him that Leslie was within four miles of him he said, ‘Why, then, I am within four miles of Lesley.’”² As is well known, this campaign, thanks to the firm attitude maintained by Leslie, terminated in favour of the Scots without a battle. This result was achieved by negotiation, the credit of inaugurating which is ascribed to Robert Leslie, a Scotsman, and one of the king’s pages, who paid a visit to the Scottish camp to see some old friends. Through his dropping a hint that the king was not indisposed to treat if the Scots first made the advances, the Scots presented their petition, and a treaty of peace, yielding their demands, was entered upon. One of the conditions pressed by the king was that the commission granted to General Leslie should be cancelled. His Majesty seems to have entertained a strong dislike to the Scots commander, as in the royal proclamation prior to the treaty Leslie was especially exempted from the pardon promised to others, and a reward of £500 sterling was offered for his head. Though the Scots were reluctant to agree to this condition imposed by the king, and on which he insisted, Leslie himself com-

¹ Baillie’s Letters, etc., vol. ii. pp. 439-443.

² Historical MSS. Commission’s Fourth Report, Appendix, p. 294.

plied most willingly, and repeatedly pressed his countrymen to permit him to resign, to which they at last yielded.¹

Baillie relates that while he was at Duns, Leslie took up his quarters in the castle at the foot of the Law. He had "a brave royall tent," but it was not set up. His bodyguard was some hundreds of musketeers, mostly or entirely Scottish lawyers under the command of Sir Thomas Hope and Sir Alexander Gibson of Durie, who were all well apparelled and armed, and had their position before the castle gate "with cocked matches." The general, with his lieutenant, who at this time was William Baillie of Letham, personally saw to the posting of the guards at night. Baillie also states that Leslie

"keepe dailie in the castle of Duncane ane honourable table for the nobles and strangers with himself, for gentlemen waiters thereafter at a long syde table. I had the honour by accident one day to be his chaplaine at table, on his left hand. The fare was as became a generall in tyme of warr; not so curious be farr as Armidaill's to our nobles. Bot ye know that the English sumptuositie, both in warr and peace, is despised by all their neighbours. It seems our generall's table was on his own charge, for so farr as yet I know, neither he, nor any noble or gentleman of considerable rent, got anything for their charge."²

During the progress of the negotiations the camp on Duns Law was visited by the English Earl of Stamford, who, being recognised by "Sandy Hamilton," the general of artillery, was brought to Leslie. He first was feasted in a princely way, and then was shown round the camp, where the exuberant display of loyalty he witnessed rather surprised him. Another thing which interested him was the cavalry corps of the Marchioness of Hamilton, the impress on whose "coronets" was a hand repelling a book,³ and the motto, "For God, the king, religion, and the covenant."⁴ The marchioness, though her son was commander of the royal expedition into Scotland, was an enthusiastic covenanter, and on her son's arrival with the English fleet in the Firth of Forth, came forth with a pistol, with which she vowed to shoot him if he offered to come ashore. It is also said that she animated all other ladies and gentlewomen to make all possible resistance to his landing, and she and other ladies wrought at the fort of Leith, carrying earth and stone, and refusing no labour to make it good against assault. Although on the shore, she refused to see her son. When the army marched she too proceeded at the head of her troop, a case of pistols at her saddle, and a case of dags at her girdle, not forgetting to carry with her silver bullets for her own son and

¹ State Papers, 1639, pp. 407, 408, 419.
Balfour's Annals, vol. ii. pp. 334, 336.

² Baillie's Letters, vol. i. pp. 212, 214.

³ Evidently the Service-Book.

⁴ State Papers, 1639, p. 331.

the English general. The ladies and gentlewomen, says Norgate, by her example, do all practise their arms, in which new kind of housewifery they are very expert.¹

The treaty of pacification made between Charles and his Scottish subjects gave no real satisfaction to either party, so that though the latter disbanded their forces, gave up the fortresses, and loyally observed all the rest of the conditions agreed upon, the king regarded the pacification as a mere truce, to be employed in preparations for inflicting summary vengeance on the Scots at no distant date. It was accordingly with very slight regret that many saw the infatuated monarch resile from his pledges, and signs thereby given that the differences between parties must soon be more decisively settled. At a meeting of the Scottish nobles, held in November 1639, Leslie came to Edinburgh, presumably from a period of retirement at his seat of Balgonie, and told the nobles, doubtless in response to a request from them to resume the command of their forces when required, that they should command his services as they pleased. He probably was then and there informally re-invested with office in order to organise the army, as active preparations were now pushed forward, and Leslie, when seen in the streets of Edinburgh, was always attended by thirty or forty officers. In March 1640, the nobles made him an offer of the generalship in conjunction with some of their own number, but he declined it on these terms. At the meeting, however, he made a speech which greatly encouraged the people, and made them resolve to fight the king's army, though it were ten times as numerous as their own.² By this time Charles had proclaimed the Scots traitors and rebels, and made overt preparations for reducing them to obedience.

It was on the 17th of April 1640 that Leslie received from a meeting of the convention of estates at Edinburgh the formal renewal of his commission as lord-general of all the Scottish forces;³ and that he was actively engaged in discharging the duties of the post, is shown by a letter from his headquarters at Dunglas in the following months of May and June, directing the movements of his outposts nearer the borders.⁴ About the same time also Leslie was in correspondence with John, Earl of Athole, and the landed gentlemen of the Athole district, in reference to levies of men, and the contribution for the support of the army.⁵ His commission was fully confirmed by the parliament which met at the same place on 2d June following, as adjourned till then by his Majesty's commissioner from November of the previous year. They declared his election

¹ State Papers, 1639, pp. 146, 163, 282.

² *Ibid.* 1639-40, pp. 113, 362, 555.

³ Vol. ii. of this work, pp. 164-167.

⁴ Letters, Sir Alexander Leslie to William,

Earl of Lothian, 31st May and 3d June 1640, printed in Correspondence of the Earls of Ancram and Lothian, vol. i. pp. 101-103.

⁵ Vol. ii. of this work, pp. 88-90.

and commission "to be done for the weell of this kingdome, and for his eminent woorth deservedly conferred vpoun him." And, at the same time, they granted him a full and complete ratification of all his proceedings under his former commission, making mention of "the thankefull and painefull service" done by him at that time, and "acknowledging that his singular caire, vigilancie, paines, and good gouernement meriteth ane greater reward then this, which is only in there power to confere." But they publicly record this as a proof to posterity of their obligation.¹

Much was made by Charles of a letter which was discovered to have been written by some of the more prominent Scots to Louis the Thirteenth of France during the campaign of the previous year, by which they designed to acquaint him with the true reasons of their quarrel with their king, and to invoke the influence of the old Scoto-French alliance. Leslie was one of the signatories, and, along with the others, was summoned to the royal presence to answer to a charge of high treason. The summons, of course, was disregarded; but John, Earl of Loudoun, another signatory, fell into the king's hands while acting as a commissioner for the Scots, and very narrowly escaped summary execution in the Tower.

One of Leslie's first attempts in the opening of the new campaign was to regain possession of the castle of Edinburgh. But previous experience had not been lost upon the royalist garrison, and though the castle was partly undermined and some of the outworks destroyed, the breaches were quickly repaired, and the attempt to take it was for the time abandoned, to the great displeasure of the town. The loss, through their capture by the English, of several ships, one of which is said to have belonged to Leslie himself, and to have been laden with ordnance and ammunition, greatly enraged him, so that he vowed he would no longer delay. If, he said, the answer from the king was not presently satisfactory he would march into England, and not be pillaged by sea and blocked up by land.² And he was as good as his word. Before the end of the month of June he had his army on the borders preparing to enter England.³

It was, however, fully the middle of August before Leslie crossed the Tweed, and the delay fostered the belief in the minds of the English authorities at Berwick that it was not his intention to enter England on this occasion, as he had not on the former expedition. Yet his purpose of proceeding to Newcastle, and taking command of the coalfields which supplied the whole country, was reported by an English spy fully a month before. And even when Leslie did cross the

¹ Acts of the Parliaments of Scotland. vol. v. p. 285.

² State Papers, 1640, pp. 313, 336.

³ *Ibid.* p. 447.

Tweed, the matter was not looked at in a serious light, and the exuberant levity of some English spirit found vent in a squib, which the English secretary (Windebank) found pleasure in transcribing. This squib is entitled:—

“LESLIE’S SPEECH TO HIS SOLDIERS AFTER THEY WERE PASSED
THE TWEED.

“FELLOW-SOLDIERS AND COUNTRYMEN,—Give me leave to bid you heartily welcome thus far. We are now with Cæsar passed the Rubicon, and this night you are to lie on English ground. This is the land of promise, which as yet ye see but afar off. Do but follow me, I will be your Joshua. Your turf cottages you shall ere long exchange for stately houses, and let not the thought of your wives and bearns and such like lumber which you leave behind trouble you, for having done your business you shall have choice of English lasses, whereon you may beget a new and better world. Was not their great William the Conqueror a bastard? And in some things we are not inferior to him, and will never despair of as great a fortune; nay, in many things we have far greater advantages than that Norman Duke, and shall we be such dastards not to pursue them? At his first entrance he had no party to trust to, but we have already many a fair town; yea London itself is as sure to us as the good town of Edinburgh. Their purses, which have been shut to their king, doubt not but you shall find open to you. The brethren who have in their hearts long since sworn the covenant are already providing change of raiment for you, and the sisters clean linen, and do but long for your coming to fetch it. You have fast friends both in court and city, fathers, brothers, and kindred that will employ their utmost ability to solicit your cause; and if occasion be, their swords, I trust, shall be as ready to make way for you as your own. Our informations, our declarations, and especially our late intentions are generally well liked of and approved by all. What remains but that like true Scots we lay hold of this blessed opportunity. I shall quickly bring you to the sight of gay coats, caps and feathers, goodly horses, bonnie lasses, fair houses. What shall I say? Win them and wear them. When we are once in possession they shall know more of our minds. Return to Scotland they that list for Leslie.”¹

But this spirit of levity and mirth was soon proved to be ill-timed, and those who indulged it were ignorant of the resolute determination which animated the Scots, though it was apparent enough to others. Thus a Dutchman, Jean de Gyrisch, who believing himself to have been ill-used in England, and who, volunteering his services to Leslie, was made colonel-major of cavalry and captain of the general’s own company, wrote to certain of his friends warning them of their hazard if they should join with the English against the Scots. “If,” he says, “you have a friend whom you love who wishes to serve against the Scots, dis-

¹ State Papers, 1640, pp. 447, 480, 484, 529, 546, 612.

suade him from it, for be sure the English will gain very little honour in their undertakings. And, moreover, were their forces four times as great, they would effect but little.”¹

After crossing the Tweed, Leslie marched straight to the Tyne, and after a smart conflict with the English troops in forcing the passage of that river at Newburn, the details of which are matter of history, he entered Newcastle towards the end of August. A letter giving an account of these events was sent by him to the committee of estates, and at the same time he despatched from himself and from the army a submissive petition to the king, who was then at York. After some delay Charles hastily summoned and acted upon the advice of his great council of peers to treat with the Scots; a conference was opened at Ripon, and afterwards adjourned to London, where a treaty of peace was completed, but not until 7th August 1641.²

All this time, the space of a year, Leslie lay in Newcastle with the Scottish army, save that he also took and placed under military control the towns of any consequence on the Tyne and in the neighbourhood, including those of Durham, Sunderland, Hartlepool, and Darlington on the Tees.³ Lord Loudoun was appointed governor of the town of Newcastle. On the day after the town surrendered Leslie made his formal entry, and was entertained by the mayor in great state; and on the ensuing Sabbath, says an English correspondent, “he went to church, four men bare before him, one lord, bareheaded, on whom he lays his arm, and in his other hand his staff, so walked to the church, and sat in state in the same place his Majesty sat in when he was there.” The same writer says: “Leslie swears all the townspeople to the covenant, and those that refuse he imprisons. Last Tuesday he began to fortify a hill on this side the town, which shows he intends to keep that place, and there is reason for it, because it is worth more to the king in custom and coals than all the revenue of Scotland by far.” Other English letters state that Leslie not only taxed Newcastle heavily for the support of his army, but levied on the bishopric of Durham an impost of £350 a day, and exacted it punctually. The Scots, however, alleged this and the other supplies to be voluntary offers, made, of course, to avoid compulsion, as the Scots army, compelled to stay at Newcastle, could not starve. For falling into arrears the mayor and aldermen of Newcastle were thrown into prison, kept in the dark, and fed on bread and water till payment was made; but Leslie rode about in the town in Sir John Suckling’s coach, which he had seized, along with

¹ State Papers, 1640, p. 556.

ments of Scotland, vol. v. pp. 335-345; Baillie’s Letters, etc., vol. ii. p. 470.

² *Ibid.* pp. 649, 651; Acts of the Parliam-

³ State Papers, 1640-1641, pp. 464, 558.

that knight's clothes and money.¹ Perhaps one of the most important additions to his strength as generalissimo of the Scottish army accrued to Leslie while he lay at Newcastle, for then no fewer than twenty-six of his comrades in the Swedish army, who had been principal colonels and officers there, including Colonel David Leslie, who had been Banner's lieutenant-general and right-hand man, and Colonels Lumsden and Sinclair, obtained leave to return to Scotland. What made them still more welcome was that they took their arrears of pay in the form of munitions of war, a course which, says the English correspondent, was "begun by Leslie the Great."²

Two letters from General Leslie in reference to the negotiations then in progress, which were to effect the return of the Scottish army, dated both in July 1641, were produced in the Scottish parliament at the time, and are printed among their proceedings.³ As soon as the terms of the treaty between England and Scotland were arranged in a definite form, and in response to a letter from the Earl of Holland, general of the English army at York, stating that he was about to disband his army, and that it would be a satisfaction to hear that the Scots had retired from the Tees, Leslie began to call in his troops from the country around Newcastle. He thus had his army consolidated there when King Charles passed through that town on his way to Edinburgh to hold the Scottish parliament. The Scottish army received the king with every demonstration of affectionate loyalty, and was reviewed by him. He was afterwards entertained to dinner in a magnificent manner by Leslie at his house in Newcastle, and the Scottish general seems to have made a most favourable impression upon Charles at this their first meeting. It was immediately rumoured that he was to be made an earl, and not only so, but during his life to take precedence of all the earls of the kingdom, and then his son to follow the rank of his creation.⁴

After the king had passed on towards Edinburgh, Leslie led the Scottish army homewards. Some dispute arose among the English as to whether he should cross the Tweed by the bridge at Berwick, or by a bridge of boats; and the king intimated it as his will that he should be permitted to use the bridge at Berwick. Leslie, however, solved the difficulty by saying he would go by the way he had come. So fording the Tweed at Coldstream, he led his army to Hirsell Law, and there disbanded it.⁵ Leslie was with the king in Edinburgh on

¹ State Papers, 1640-1641, pp. 48-50, 93, 157.

² *Ibid.* pp. 101, 102.

³ Acts of the Parliaments of Scotland, vol. v. pp. 626, 631.

⁴ State Papers, 1641-1643, pp. 48, 105,

110. Sixth Report of the Historical MSS. Commission, Appendix, p. 82.

⁵ Memorials of the Family of Wemyss of Wemyss, by Sir William Fraser, K.C.B., vol. i. p. 244; State Papers, 1641-1643, p. 100.

the morning of the 28th of August, and two days later was entertained at a feast given by the provost to the king and the nobles in the great hall of the parliament, where he took precedence of all the nobles in respect of his office of general, of which he had not yet been relieved.¹

The meeting of parliament to preside over which Charles came to Scotland, proved an exciting and eventful one in itself, and was very important in its bearing on the fortunes of General Leslie. One of the most prominent episodes of the meeting was the alleged plot against the lives of Argyll, the Marquis of Hamilton and his brother, the Earl of Lanark, known in history as "the Incident." Getting word of the plot these three noblemen fled to Hamilton's house at Kinneil, and the day after, when the king rode up to the Parliament House, with an armed force of five hundred men, many of whom were known to be disaffected to the covenant, the estates took alarm and, as Baillie says, "would not be pacified till Lesslie had gotten a commission, verie absolnte, to guard the parliament, with all the bands of the citie, and regiments yet on foot, and some troups of horse, which according to his printed warrand he did quicklie and diligentlie."² According to Sir Edward Nicholas, it was General Leslie who revealed the existence of the plot to Argyll and Hamilton, he having obtained his information from two officers in the army, Lieutenant-Colonel Sir John Hurry, and Captain William Stuart, both of whom had been pressed to take part in carrying out the nefarious design.³ In the Earl of Lanark's account of the affair the general's part is narrated. "On the 2d of this current, General Leslie sent to the Parliament House to desire my brother and the Earl of Argyle before their return to court to come and speak with him at his house with as great privacy as could be; which they did, and with him they found one, Lientenant-Colonel Hurrie, to whom, the general said, my brother and Argyle were much obliged, and desired Hurrie to acquaint them with that particular which he had already discovered to him."⁴ The king was, or professed to be incensed at the subsequent conduct of the marquis, his brother, and Argyll, and also challenged Leslie for not coming first to him with the information, to which the general made the excuse that he had thought the whole affair to be but "a foolish business."⁵

At this meeting of parliament General Leslie was chosen by the king as one of the Scottish privy council.⁶ The general here, too, acted a very graceful part

¹ State Papers, pp. 106, 110.

² Baillie's Letters, vol. i. p. 392.

³ Account of the Plot, State Papers, 1641-1643, p. 137.

⁴ Hardwicke's State Papers, vol. ii. pp. 299-303.

⁵ Narrative by Nicholas already referred to.

⁶ Acts of the Parliaments of Scotland, vol. v. pp. 388, 704; Balfour's Annals, vol. iii. p. 67.

to an old companion in arms in the German wars, General Patrick Ruthven, Lord Ettrick, who had, however, latterly appeared on the field in the king's behalf. This nobleman had been appointed governor of Edinburgh Castle, and had successfully resisted the second assault made by Leslie upon it, holding it for the king against the Scottish covenanters until compelled by want of supplies to capitulate. For this offence the Scottish parliament had passed sentence of forfeiture against Lord Ettrick. On 13th October General Leslie presented a petition to parliament praying for the restoration of Lord Ettrick to his honours and estates, and about a month later the petition was acceded to, "especiallie in respect of the earnest sut of the said lord Generall Leslie."¹

Another important event of this parliament was the installation of General Leslie as a peer under the titles of Earl of Leven and Lord Balgonie. The proceedings formed the sole business of the meeting of parliament on one day of the session, Saturday, 6th November. General Leslie, attired in his parliamentary robes, and supported by the Earl of Eglinton on his right hand, and by the Earl of Dunfermline on his left, also in their robes of state, was ushered into the king's presence, then sitting in full parliament and was solemnly invested. The procession was composed of six trumpeters in their liveries, two and two; the pursuivants in their coats of office, two and two; the heralds in their coats, the oldest carrying the earl's coronet; next the lyon king of arms, carrying the earl's patent in his hand, and after him the Duke of Lennox and Richmond, lord great chamberlain, in his official robes, followed by the earl marischal, who ushered in the newly created earl and his supporters. When they reached the throne, the lyon king of arms delivered the letters patent by the king to the Earl of Leven, who handed it to the president of the parliament, and he again to the clerk. The patent having been publicly read was returned to the president who gave it to his Majesty, whereupon, with three obeisances, the earl ascended the throne, and kneeling before the king, had the usual oath of an earl administered to him by the Earl of Lanark, secretary of state. His Majesty thereupon handed to the earl his patent, and placed the coronet on his head. The earl, then, rising from his knees, humbly thanked his Majesty for this great testimony of his favour, and besought him that the four esquires who attended him might be knighted. These were John Leslie of Birkhill, John Brown of Fordel, James Melville of Burntisland, and Andrew Skeen of Auchtertool. Called in this order by the lyon king of arms they ascended the throne, and kneeling, were severally dubbed knights by his Majesty with the sword of state; then again kneeling they had a gilt spur put on their right heels by Sir David Crichton of Lugton, the

¹ Balfour's Annals, vol. iii, p. 102; Acts of the Parliaments of Scotland, vol. v. p. 382.

oldest knight present, and the oath of knighthood, their right hand uplifted, was administered to them by the lyon king of arms, after which they kissed the king's hands and attended the newly made earl to his place, where he was ranked among his peers. There were then four several largesses proclaimed by the lyon, first, for the king, by the heralds for the new earl, and by the pursuivants for the four knights, with all their titles. This being done, the earl retired and disrobed, and then returned to the house; but there was nothing further of consequence done in the house that day.¹

The patent of the earldom of Leven, granted by the king to General Sir Alexander Leslie, sets forth as the reason of the grant his greatness and valour in warlike enterprise in Germany and Sweden, whereby he had won such applause, reputation, and approbation as to reflect great honour and renown on "our ancient realm of Scotland, whereof he is a native and subject." The dignity is conferred on the general and the lawful heirs-male of his body, who are in all time coming to be called Earls of Leven and Lords of Balgonie, with due precedency as earls and lords of parliament. It is dated at Holyrood the 11th, written to the great seal the 13th, and sealed with that seal on the 20th October 1641.² There can be little doubt that the prime reason of the parliament in obtaining this well-merited honour for Sir Alexander Leslie was the great service he had rendered as general of their forces against the king; but for obvious reasons no account could be taken of this in the patent. Yet an Englishman with the king, Sydney Bere, asserts the opposite. He says in a letter to Sir John Pennington:—"Last Friday Leslie was created an earl; he takes his title from a little river near his lands in Fife called Leven. His patent was read openly, wherein is a large recital of his great services and deservings, as in many occasions, so in this last year's employments."³ But the patent shows that this was not the case.

These late services, however, were not altogether passed over in silence. A more substantial recognition of them was made in the gift to the Earl of Leven of a hundred thousand merks Scots, or between five and six thousand pounds sterling. An act for this purpose was passed, wherein it is narrated that the king and estates of parliament, taking to consideration the great and acceptable service done to this kingdom by Alexander, Earl of Leven, general of the whole forces thereof during the late troubles, and being most willing to give him some token and testimony of their thankful remembrance of the same, grant the sum above stated to be paid to him, his heirs and assignees, out of the first and

¹ Balfour's Annals, vol. iii. pp. 139-141;
Acts of the Parliaments of Scotland, vol. v.
p. 381.

² Vol. ii. of this work, pp. 167, 168.

³ State Papers, 1641-1643, p. 161.

readiest of the moneys pertaining to the public at the term of Lammas next, 1642, with the ordinary interest thereafter if not paid at that term.¹

On the same day there was also passed in his favour, by parliament, an act of exoneration and approbation in respect of these services, wherein, after having, at the earl's own request, received from him an account of his actions and carriage, and compared the same with his commission, they

"doe find and declare that the said noble erle, Alexander, Erle of Levin, designit in his commissione Sir Alexander Leslie of Ballgonie, heath woorthilie acquite himselfe of that great place and trust was put wpoun him to be generall of ther armyes and heath so noblie behaved himselfe in al the pairtes of his chaarge, as he justlie deserveth ther trewe testimony of his approve fidelitie, worth, and abilitie. And therfor his Majestie and estates of parliament doe not onlie liberat and exoner him of all questiones or challenge which can be made to him for his cariage in the said place in tymes bygone, but also for the full demonstratione of their dewe acknowledgment of his woorthie cariage, doe give him this weell deserved testimony and approbatione to be recordit to efter ages. That he heath deserved nobilie of the kingdome, and in all his actiones have exprest pietie, valour, wisdom, and good governmente."²

In addition to all this the earl was on the same day appointed captain and keeper of the castle of Edinburgh, with the whole rents, duties, liberties, and privileges pertaining to that office. It is ordained that the castle be put in the condition it was before the late troubles, and that it be delivered over to the Earl of Leven.³ A signature for the crown grant of the office is still preserved in the Melville charter-chest, and shows that as granted by King James the Sixth to John, Earl of Mar, then keeper, 9th July 1618, the revenues of the castle consisted of payments of grain from the abbey of Scone, the priory of Charterhouse, the kirk of Monifieth, the bishopric of Dunkeld, the abbey of Holyrood, the lands of Ardat, the lands of Dron, the lands of Easter Fairny, and from the Tron customs of Edinburgh; and these were still to form the revenue of the castle, any portion thereof which had been since estranged to be restored.

The estimation in which the Earl of Leven was held for energy and usefulness in the public service is further evinced by his being made not only a member of the privy council, but also a member of various important commissions and committees. He was placed on a commission for regulating the taxation and public burdens to be imposed on the nation, with special reference to the liabilities incurred during the troubles. Closely connected with this was a commission for receiving the "brotherly assistance" from England, and upon it the earl also had a seat. Another was appointed for the conservation of the treaty recently con-

¹ Acts of the Parliaments of Scotland, vol. v. p. 432.

² *Ibid.* p. 430.

³ *Ibid.* p. 432.

cluded with England, on which the earl was placed, and he also is included among the councillors to whom the king, before his departure from Scotland, committed the practical government of his northern dominion. To him also was intrusted a commission with regard to the forces still undisbanded.¹

Some days before the parliament closed the earl was engaged on another committee of four noblemen, to whom was assigned the task of considering and reporting on what should be done in the case of the prince Elector Palatine.² This prince was present with his uncle, King Charles, at the Scottish parliament, and when, on the following day, the committee of noblemen reported that there might be ten thousand infantry sent on the country's charges to any convenient port in Germany for his assistance, the prince rose, hat in hand, and expressed his hearty thanks for this token of their affection to him, and hoped he might be able to reciprocate it. His mother, Elizabeth, dowager queen of Bohemia, in letters to Sir Thomas Roe, English ambassador to the diet of Ratisbon, indicates that this result was largely due to the Earl of Leven. "My brother," she says, "carried my son to the Parliament House; they all showed a great affection to us, especially Leslie and the officers of the army, who are all willing to be employed for us. . . . You will have heard the resolution of the Scotch parliament to give my son 10,000 men for Germany, if you have not contentment, which I fear you are not like to have."³

On the last day of the parliament, Wednesday, 17th November, there was a very solemn riding from Holyrood Palace to the place of meeting, when, in virtue of his generalship, the Earl of Leven rode first before all. It was at this meeting that he formally demitted his office of general to the king and parliament by laying down his baton, and received their public approbation of his services. But until the council were able to provide money, it was ordained that he should have the command of all horse and foot. At the same sederunt he obtained a parliamentary ratification of the crown charter of his lands granted on 6th July 1635,⁴ to which fuller reference will be made on a later page.

Not long after this a question arose between the Earl of Leven and the Earl of Callendar respecting the precedency of their respective peerages. Sir James Livingstone, Lord Livingstone of Almond, was further ennobled by King Charles creating him Earl of Callendar, and the warrant or signature for his patent was dated 6th October 1641—five days before that of the Earl of Leven. The latter,

¹ Acts of the Parliaments of Scotland, vol. v. pp. 392, 395, 404, 405, 430.

² Charles Lewis, Count Palatine of the Rhine and Duke of Bavaria.

³ Balfour's Annals, vol. iii. pp. 145-147; State Papers, 1641-1643, pp. 121, 198.

⁴ Balfour's Annals, vol. iii. pp. 159-163; Acts of the Parliaments of Scotland, vol. v. p. 450.

however, as has already been stated, was invested as earl on 6th November following, his completed patent being delivered to him on that day, whereas that of the Earl of Callendar was only sealed on the 19th, and delivered to him on the 21st November by the Privy Council. Callendar claimed to be ranked before Leven on the five days' prior dating of his signature. Leven urged that the signature was not a patent, and that as his patent was perfected by the act of sealing five weeks before that of Callendar, and, moreover, as he had sat and voted in parliament as an earl while his opponent was present and voted only as Lord Almond, he was clearly entitled to the priority.¹ But the better to establish his position Lord Leven obtained a letter from King Charles, dated 24th January 1642, wherein the king declares the dating of Callendar's patent to have proceeded from a mistake, and that as it never was his intention, and was contrary to what he had ever resolved, that Callendar should have the precedence, so he would shortly take a course for remedy of the mistake which should give the earl satisfaction.² This decided the matter in favour of the Earl of Leven. The Earl of Callendar, however, did not accept the situation, and protested against the Earl of Leven being enrolled, called, and voting in parliament before him. Probably the renewal of the strained relations between Charles and his Scottish subjects sufficiently explains the failure of the promise to rectify the mistake. During the lifetime of the Earl of Leven, the precedence of his peerage was maintained, but immediately after his death, the Earl of Callendar revived the question, and secured the verdict of a Committee of Parliament (of 1661) in his favour.

The Earl of Leven was cordially congratulated on his creation as Earl of Leven by his warm friend Axel Oxenstierna, the Chancellor of Sweden, in a letter which breathes the spirit of sincere esteem and affection, and which was accompanied by another written in reply to a communication from Leven, and sent by Colonel Sir Lewis Leslie, in reference to the promised contingent of Scotsmen in aid of the Bohemian Crown. This intention, however, of reuniting Scottish and Swedish forces on the Continent was defeated by the outbreak of the rebellion in Ireland, and the highly disturbed state of the relations betwixt the king and the English parliament.³ The news of the massacres of the Protestants in Ireland roused great indignation in Scotland, and the ten thousand men promised to Bohemia were offered and accepted for the quelling of the Irish, and placed under command of the Earl of Leven, as general. On this occasion the commission of the earl was granted by the king himself at York on 7th May 1642.⁴

¹ MS. information in Melville Charter-chest, 1642.

² Vol. ii. of this work, p. 21.

³ Letters, dated from Stockholm, 12th September 1642. Vol. ii. of this work, pp. 90-92.

⁴ Vol. iii. of this work, pp. 168, 169.

In the beginning of the year the earl had considerable labour and some correspondence in the raising of the levies.¹ But for any detailed account of the earl's conduct in this Irish campaign, we are indebted to Sir James Turner, who accompanied the expedition as major to Lord Sinclair's regiment. Turner, however, writes with a continual feeling of umbrage towards Leven, who, he says, was dissatisfied with his appointment by Lord Sinclair, as his consent was not asked. "If it had, I am sure it had never been got, for that excellence of his was constantlie my very heavie friend."² The Scottish forces went to Ireland in the spring of the year 1642, but the earl did not accompany them. He went later and made only a short stay, and Turner's account of him may best be given as he himself tells it:—

"About Lambes in this yeare, 1642, came Generall Leven over to Ireland, and with him the Earle of Eglinton, who had one of these ten regiments, my Lord Sinclare, and Hamilton, generall of the artillerie, better known by the name of Deare Sandie. Great matters were expected from so famous a captain as Leven was, but he did not ansuere expectation. One cavalcad he made, in which I joyned with him with 300 men, in which I could not see what he intended, or what he proposd to himselfe. Sure I am he returnd to Craigfergus without doeing anything. And the same game he playd over againe at his second march, except that he visited the Neurie; for which we were but litle obligd to him, being forced thereby to part with our hay, wine, beere, and breade, of which we were not very well stord. . . .

"The officers of this our Scots armie in Ireland finding themselves ill payd, and which was worse, not knowing in the time of the civill warre who should be their paymasters, and reflecting on the successfull issue of the Nationall Covenant of Scotland, bethought themselves of makeing one also; bot they were wise enough to give it ane other name, and therefore christened it a Mutual Assurance; wherby upon the matter they made themselves independent of any except these who wold be their actual and reall paymasters, with whom, for anything I know, they met not the whole time of the warre. The generall was very dissatisfied with this bond of union, as he had reason; and at first spoke hie language of strikeing heads of; bot the officers sticking close one to another, made these threatates evanish in smoake. And indeed it is like ane active generall (who could have added policie to courage, and divided them), might have made their union appear in its oun collors, which were even these of blacke mutinie. Bot the Earle of Leven, not being able to overmaster it, got himselfe ane errand to go to Scotland, and so gave an everlasting adieu to Ireland. The most remarkeable thing he did in the time of his stay was that he tooke 2500 lb. sterline to himselfe, which the parliament of England had sent to the officers of his armie for wagon money. And trulie this earle, who lived till he past fourscore, was of so good a memorie, that he was never knowne to forget himselfe, nay not in his extreame age. I cannot say more

¹ Correspondence of the Earls of Ancram and Lothian, vol. i. pp. 131-133.

² Memoirs of Sir James Turner, p. 19.

of his deportments in Ireland then what my Lord Viscount Moore (who was killd nixt ycare) said to tuo of my friends, and it was this : That the Earle of Leven's actions made not such a noyse in the world as these of Generall Lesley." ¹

Before leaving and after returning to Scotland the earl was kept informed of the progress of the Scottish arms in Ireland by Major-General Robert Monro—two at least of whose letters to the earl are preserved. One of these is dated 13th May 1642, and along with other two letters from the Corporation of Londonderry and the Earl of Antrim to Monro, which accompanied it, was printed as a thin pamphlet of nine small quarto pages at London in 1642. It is in reply to a communication from the Earl of Leven, and details the progress of the campaign.² The other letter is of fully a year's later date, and relates the making of a temporary armistice with the rebels, and how this circumstance led to the intercepting and capture of the Earl of Antrim,³ who was commissioned to Ireland by King Charles to effect a pacification there and release both English and Irish, and the Scots too, if they could be corrupted for the king's service in England. Antrim, who had on a former occasion effected his escape from the Scottish general, was this time kept in close ward, notwithstanding repeated orders and missives from the king himself requiring his release. One such letter was addressed to the Earl of Leven on 11th June 1643,⁴ but as he and Monro only recognised instructions received through the Scottish council or parliament, these royal letters were disregarded, and Antrim was not delivered up by the Scottish army in Ireland. The English parliament demanded that he should be delivered up to them to be tried for treason, and an order was issued by the Scottish parliament to the Earl of Leven to hand over his prisoner to them; while the French also interposed with a request for his liberation. But, meanwhile, Antrim delivered them from any dilemma in regard to him by again effecting his escape from Carrickfergus.⁵

King Charles the First and the parliament of England were by this time engaged in the throes of civil war, in which the parliamentary forces were gradually being worsted. As to all intents and purposes the war was a religious one,—a *bellum episcopale*, as it was called, the king being obliged to rely for the support of his army on the bishops—the sympathy of the Scots was opposed to the king, so that when their assistance was solicited and an offer made by the English parliament of a mutual league, offensive and defensive, it was willingly

¹ Memoirs of Sir James Turner, pp. 23-25.

⁴ *Ibid.* p. 22.

² Copy of original print in Library of the University of Edinburgh.

⁵ Acts of the Parliaments of Scotland, vol. vi. part i. p. 17; Baillie's Letters, vol. ii. pp. 70, 80, 105, 116.

³ Vol. ii. of this work, pp. 93-95.

agreed to. One condition was insisted upon by the Scots, that the league should be primarily a religious one; hence the Solemn League and Covenant of England, Scotland, and Ireland, which was adopted not only by the national representatives, but by the great mass of the people with great enthusiasm. The Scots were now leagued in arms with the parliament of England against the king and accordingly a new army was levied, and the Earl of Leven, who had attended the meetings of the Convention of the Estates in June, July, and August of this year, 1643, and had been placed on committees to consider what remedies should be applied against the dangers which threatened religion, and what was necessary for the defence of the kingdom, was again appointed to the supreme command of this army.¹ The English parliament sent a special request to the Earl of Leven that if the Scots sent any army for their assistance, he should take the command of it.² Baillie intimates his acceptance, with a note of explanation: "Generall Leslie is chosen, and accepted his old charge. It is true he past manie promises to the king, that he would no more fight in his contrare; bot, as he declares, it was with the expresse and necessar condition, that religion and country's rights were not in hazard; as all indifferent men thinks now they are in a verie evident one."³

The earl was present at the meeting of the Convention of Estates on 3d January 1644, but on the 8th, when he was also present, he was instructed to go to the army on the Borders,⁴ and the Tweed was crossed and England entered in the frost and snow of midwinter. Turner states his army to have consisted of about 20,000 foot and 2000 horse. They crossed on the ice, the river being so strongly frozen that it supported even their wagons, etc. Marching to the Tyne they forded it just in time to avoid the floods consequent on the melting of the snow, and encamped before the town of Newcastle. Turner paid a visit to the army just when they were about to cross the Tyne and invest the town, and being asked his opinion, advised that false alarms should be made at different points around the town, lest the royal troops should fall in force upon those who were making the bridge for the army to cross. He was sent to acquaint the general with this opinion, which was agreed in by all; and he relates that he found him going to supper. "When I returnd, I was ashamd to relate the ansuere of that old captaine, which was that he feard the brightnes of the night (for it was mooneshine) would discover the burning matches to those on the walls. I told

¹ Acts of the Parliaments of Scotland, vol. vi. part i. pp. 3, 13, 57, 59.

² Draft letter, dated 19th July 1643, in House of Lords. Historical mss. Commis-

sion's Fifth Report, Appendix, p. 96.

³ Baillie's Letters, vol. ii. p. 100.

⁴ Acts of the Parliaments of Scotland, vol. vi. part i. pp. 60, 69.

him the moonshine was a prejudice to the designe, for it wold hinder the matches to be sene ; for the more lunts were seene, the better for a false alarme." Turner affects to make very merry over what he calls "Generall Leven's impertinent ansuer to my message."¹ But apart from his own royalist proclivities, his prejudice against Leven, and his bombastic comparisons of his own better military judgment with that of his experienced commander's, his story does not comport with contemporary accounts of the passage of the Tyne by the Scottish army. As on the previous occasion, the Earl of Leven made for the ford at Newburn, but finding it too strongly fortified, proceeded up the river to Ovingham, Bywell, and Altringham, where they waded the river.² The siege of Newcastle lasted for nine months, and from that town to York was the skirmishing ground between the Scots and the royalist army under the Marquis of Newcastle, who was thought not unworthy of being pitted against "the great soldier, Leslie."³ The Scots had also to keep Northumberland, and Leven is notified as being at Newton in that county on 26th February, by the date of a commission to a son of the Earl of Eglinton, which he signed there on that day.⁴ At the end of March the joint committee of both the kingdoms made the Earl of Leven commander-in-chief over all the forces, both "British" and Scottish then in Ireland, and as he personally was required in England, he was desired to appoint some one to be commander-in-chief under himself, who should direct the army in his absence. He appears, indeed, to have held in some way a priority among the generals of the army in England, as in their official despatches he is usually the first to sign, and he was sometimes designated "Lord General," while usually addressed as "His Excellency." This last title he had brought with him from Germany. Probably, however, no real seniority or priority was implied, and the precedence he got was due to the courtesy and deference of the English parliamentary generals, which they showed alike to his age and military experience, and also to the fact of his being the representative of a neighbouring and assisting power. The native modesty which he displayed in commanding the Scottish army, and which Baillie notes as having such an admirable effect in preventing rivalries among the Scottish nobles, was as conspicuous when he joined his forces with the English leaders. At a later period of the war, when some contention was threatened in the English army respecting the chief command on a junction of separate corps, the joint committee of the kingdoms wrote, warmly deprecating

¹ Turner's Memoirs, pp. 31-33.

³ State Papers, 1644, p. 35.

² Newcastle Reprints, quoted by Burton, History of Scotland, vol. vi. p. 357.

⁴ Memorials of the Montgomeries, Earls of Eglinton, by Sir William Fraser, K.C.B., vol. ii. p. 294.

any such spirit manifesting itself, and desiring that those interested should take "as an example the fair and amicable agreement that was between the three generals at Marston Moor and the taking of York, where in all that time they were together there never grew any disputes nor differences about command."¹

Leven achieved little during the first six months of this campaign in England, though in other parts the parliamentary generals reaped some victories. Baillie laments that the aid of the Scots was not more effectively shown. Leven, he says, "as yett has had his hands bound."² His chief occupation was keeping the royalist troops in check in the district north of York. One of the royalist generals, the Marquis of Newcastle, had a considerable army situated at various points in this region, but his troops were gradually forced to the two positions of Newcastle and York. Lord Fairfax, in one of his reports, praises the Earl of Leven for his prudent and vigorous conduct on one occasion in following up the army under the Marquis of Newcastle, and to this he ascribes the safety of his own army, which was so much smaller than Newcastle's that it could not have escaped. The Scottish forces and those of the parliamentary generals were now joined together for the investiture of York, into which the bulk of the troops under Newcastle had thrown themselves. On April 20th the Earl of Leven had formed his camp at Wetherby,³ and thence marched to York, before which he lay for nine or ten weeks. One day the commandant of the town sent out a flag of truce to Leven, to ask why he "beleaguered this city on all sides, made batteries against it, and so near approached it?" To which Leven replied "that it was with intention to reduce it to the obedience of king and parliament."

It was in the neighbourhood of York that one of the great and more important battles of the Civil War took place, that of Marston Moor. Prince Rupert had succeeded in raising a splendid army from the western counties, and in concert with the king and the Marquis of Newcastle, marched to the relief of York. The united forces of the English parliament and the Scots were under Leven, Fairfax, and the Earl of Manchester, and the two armies met on 2d July. So uncertain was the issue for a time that Baillie says of the generals on both sides that "within halfe an hour and less, all six took them to their heels."⁴ Turner makes merry over this incident of the battle, but suppresses remark about the English commanders. Of those on the parliament's side he says that all three "had shamefullie left the field and fled; but Leven fled furthest, for he did

¹ State Papers, 1644, pp. 80, 206, 266, 287, 311, 432, 491.

³ Seventh Report of Commissioners on Hist. MSS., App. part ii. p. 60. Fourth Report, App. p. 268.

² Letters, vol. ii. p. 179.

⁴ Baillie's Letters, vol. ii. p. 204.

not draw bridle till he was at Wedderbie, four and twentie miles from the place of battell. There was reason he sould take the start of the other tuo, because he had furthest home."¹ The flight of Leven was occasioned by one of Prince Rupert's brilliant charges, which broke up and disorganised the wing of the army which was under the command of Leven and Fairfax, and Rupert was even credited with having made a prisoner of "Ould Lesley."² But the pursuit was carried too far, and the prince returned to the field to find it in the possession of Leven's lieutenant-general, David Leslie, and of Cromwell, and it now became his turn for flight. A fortnight after the battle, on 16th July, the city of York capitulated.³

The next important episode in the war in which Leven was engaged was the siege and capture of Newcastle. It had stood a long siege, and refused still to accept conditions of surrender, so it was resolved to take it by storm. This was carried out by the Earl of Leven on 19th October, and the mayor, Sir John Morley, whom even Turner condemns for refusing the very fair offers made him by Leven, was thrown into prison to await the parliament's pleasure.⁴ Newcastle thus fell a second time to the sword of the Earl of Leven, and that it resisted so long on this occasion was doubtless owing to the fact that military operations elsewhere demanded the attention of the veteran lord-general. He appointed Sir James Lumsden as governor of the city.⁵

In the beginning of the following year the earl paid a visit to Scotland and attended the meeting of parliament held at Edinburgh on 7th January 1645. He was placed on the committee for carrying on the war both within and without the country.⁶ The usual protest for precedence was made on behalf of the Earl of Callendar, by Lord Yester, and the Earl of Leven protested for himself in the contrary.⁷ He also interested himself with the parliament on behalf of the children and grand-children of his son-in-law, General Ruthven of Dunglas, whom he calls his pupils. He saw the matter taken in hand by the parliament, and wrote to Alexander, sixth Earl of Eglinton asking him to attend it for him in his absence.⁸ Probably the Earl of Leven was now obliged to return to his post at Newcastle, whence he writes to

¹ Turner's Memoirs, p. 38.

² Historical MSS. Commissions, Fourth Report, App. p. 276 Acts of the Parliaments of Scotland, vol. vi. part ii. p. 861.

³ State Papers, 1644, pp. 359, 361, etc.

⁴ *Ibid.* p. 432; Historical MSS. Commission's Sixth Report, App. p. 32.

⁵ Acts of the Parliaments of Scotland, vol. vi. part ii. pp. 363, 371.

⁶ *Ibid.* pp. 284, 287.

⁷ Balfour's Annals, vol. iii. p. 246.

⁸ Memorials of the Montgomeries, Earls of Eglinton, by Sir William Fraser, K.C.B., vol. i. pp. 269, 270.

Hugh, Lord Montgomerie, son of the Earl of Eglinton, who was stationed about Halifax, directing him to keep a close watch on the movements of Prince Rupert.¹ In June Leven was instructed to march to Worcester,² and thence they proceeded into Gloucestershire, on the way learning that the king had lost the battle of Naseby (fought on 14th June), the last great conflict of the war. Hereford was then invested by the Scots army for some weeks, but the approach of Charles himself at the head of an army forced them to raise the siege and return to Yorkshire, where Leven joined his forces to the parliamentary troops then engaged in besieging Newark on Trent. Turner says that he was then ordered by the parliament to go to Newcastle; "I am very sure," he adds, "sore against his will he parted with a command whereby he could have put abundance of money in his pocket, which Lieutenant Generall David Lesley could not choose but doe."³ Leven was at Northallerton on 24th September, as he wrote thence on that day to Alexander, Earl of Eglinton, congratulating him on the victory obtained over Montrose, and declaring his intention to demit office, as he now felt himself unable to perform such duty as he would for the public. He had written to the Scottish Estates of parliament requesting an exoneration and discharge, and he entreats Lord Eglinton to further his suit with them.⁴

The lord general's proffered resignation, however, was not at this time accepted, and in the end of the following November he had returned to the neighbourhood of Newark upon Trent, his first feat on this occasion being the capture of Muskhams Bridge and the scone on the farther side of the river; but he was back again at Newcastle on the last day of December.⁵ A week later the Scottish parliament instructed him to co-operate with the English parliamentary forces for the reduction of Newark upon Trent, and he must have left for that place forthwith, as on 11th January 1646 he wrote to the parliament requesting them to send Lord Humble to his army at Newark to clear accounts with Yorkshire, and to send a committee of their number to be with the army.⁶

At a subsequent meeting the parliament re-affirmed by a public declaration that the supreme command of all Scottish armies was held by the Earl of Leven. The act was as follows:—"That anie commissions formarie granted doeth naways derogat to the commissions granted to the Erle of Leavine to be generall of the

¹ Memorials of the Montgomeries, Earls of Eglinton, by Sir William Fraser, K.C.B., vol. i. pp. 278, 279.

² Sixth Report of Hist. MSS. Commission, App. p. 66f; also Eighth Report, part ii. p. 62.

³ Turner's Memoirs, pp. 40, 41.

⁴ Memorials of the Montgomeries, Earls of Eglinton, by Sir William Fraser, K.C.B., vol. i. p. 279.

⁵ *Ibid.* pp. 279, 280. Cf. Sixth Report of Historical MSS. Commission, App. p. 87.

⁶ Balfour's Annals, vol. iii. p. 362.

haill forces within and without this kingdome, but is altogethir without prejudice therof in anie poynt." ¹

The reason for this declaration appears in the further proceedings of the parliament on the day it was made. They had offered to the Earl of Callendar a commission as commander-in-chief of the forces serving in Scotland, without derogation of the Earl of Leven's patent in any respect. But Callendar, who had a standing quarrel with Leven in reference to the precedency of their respective peerages, declined acceptance of the commission with any such reservation, saying he would not act in a subordinate capacity, whereupon the commission was offered to Major-General Middleton, who accepted it.²

To this parliament also the earl had represented the inconvenience sustained by him through the non-payment of the money they had assigned to him,—12,320 merks being still due to him of the 100,000 merks voted to him in 1641—and they ordained that this balance should be paid by the treasurer from the fines and forfeitures, in preference to all other claims thereupon.³

An interesting recognition of the services rendered by the earl to England was about this time made by the English parliament. Very probably they had heard of his intention to resign his commission, and hoped that in this way they might prevail upon him to continue his services until the conclusion of the war. They sent him a jewel with a special letter to himself, testifying their great respect for his personal and military qualities, and their high esteem of his fidelity and gallantry. Unfortunately the letter by the parliament to Leven has not been discovered, but the jewel and letter were formally intrusted by the speaker, Henry Mildmay, to the English commissioners in attendance upon the Scottish parliament at Edinburgh, who were instructed to have them conveyed to the earl.⁴ What form the jewel took, or what was its future history, has not been ascertained; but it is not referred to by the earl at a later date, when he makes special mention of the jewel given him by Gustavus Adolphus. It is an evidence also of the popularity of Leven with the English generally, in consequence of the mildness of his rule, that some of those who for adherence to the king fell under the displeasure of the parliament, obtained the benefit of his intercession with that body.⁵

While the Scottish army lay at Newark a very unexpected incident occurred which, for a time, interrupted the harmony which had hitherto existed between

¹ Acts of the Parliaments of Scotland, vol. vi. part ii. pp. 559, 584.
vol. vi. part ii. pp. 502, 557.

⁴ Vol. ii. of this work, p. 96.

² Balfour's Annals, vol. iii. pp. 370, 371.

⁵ Historical mss. Commission Reports, v.

³ Acts of the Parliaments of Scotland, p. 331; vi. p. 110; ix. part ii. p. 393.

the two kingdoms and their armies. The king had been driven from his last stronghold by the parliamentary troops, and after wandering about for some days in disguise, he resolved to intrust himself to his Scottish subjects. Accordingly he appeared in their midst on the morning of the 5th of May 1646, and was received with due ceremony and submission, in the course of which the Earl of Leven gave up his sword to the king. Contrary to custom the king retained the sword of the general, which was an act so significant that the earl judged it expedient to remind the king that he was in command of the army, though in humble duty to his Majesty.

The English parliament demanded of the Scots the surrender of the king to them; but Leven declined, and placing him under a strong guard, alike for his protection and to prevent him making his escape, returned to Newcastle where they could be freer from intimidation by the English parliament. While there Leven and the other officers and army, by a dutiful address to his Majesty, did what they could, consistently with their obligations under the Solemn League and Covenant, to induce the king to terminate the civil disorders. In their petition they affirm their readiness to sacrifice their lives in his defence, if he would take the covenant and promote the interests of true religion in his realms. The petition and the king's reply were printed along with a declaration by the Earl of Leven and others in name of the army, to obviate sinister reports and imputations as to their design in keeping possession of the king.¹

The war being now practically at an end the Scottish army only remained in England awaiting the adjustment of their accounts and the settlement of arrears. In December the Scottish parliament still instructed the earl to keep the king safely in his camp, and to prevent any from getting access to him who had been formerly of his party.² The anxiety of the Scots to return home is shown by references in letters from Leven read in the English parliament, wherein he states the hardships to which his army were subjected by the delay in the settlement.³ This, however, was finally effected in January 1647, and the Scots recrossed the border, but as the English threatened war if they took the king with them, they were obliged to surrender him into the hands of his English parliament.⁴

As a large portion of the army was not disbanded, but remodelled for the

¹ Printed in London, July 6, 1646. Copy in University Library, Edinburgh.

² Acts of the Parliaments of Scotland, vol. vi. part ii. p. 637.

³ Sixth Report by Historical mss. Commissioners, App. p. 139.

⁴ The Earl of Leven had a secretary while in England, who also acted for the committee with the army. He was Mr. Thomas Henderson, whose salary was fixed by parliament at £100 per month [Acts of the Parliaments of Scotland, vol. vi. part ii. pp. 664, 709].

purpose of quelling the insurrection of the royalists in the north, the Earl of Leven was retained in his post as general of all the forces, with a yearly salary of 10,000 merks. If circumstances required that he should personally take the field, then over and above that his charges were to be taken into consideration. In point of fact the command of the forces in the field was devolved on the lieutenant-general, David Leslie, afterwards Lord Newark, and the Earl of Leven remained with the acting committee of estates, of which he was a member, for counsel and advising.¹ In discharge of his duty as lord general we find him in February 1647 demanding from parliament that a prisoner then in the Tolbooth of Edinburgh should be delivered over to him for trial by court-martial. The prisoner was Captain John Dennistoun, who was alleged to have killed a soldier in the Marquis of Argyll's regiment, in which he was then serving as lieutenant. The earl's demand was granted, protests being taken on behalf of the Earl of Errol, the high constable, to whom pertained the right of judging all matters of blood and riot within four miles of the person of the king, or of the parliament or council, and on behalf of the town of Edinburgh that the transaction should not prejudice their respective rights.²

Before this same meeting of parliament the Earl of Leven brought an action against Archibald, Lord Napier, for payment of a debt of £10,000 Scots and interest, incurred by his lordship's father to John Renton of Lamberton, and assigned by the latter to the Earl of Leven. This sum of money appears to have been a fine or penalty incurred by the lately deceased Lord Napier for allowing his son to escape, while they both, being staunch supporters of King Charles, were under parole imprisonment by the covenanters. Young Lord Napier afterwards obtained from Major-General Middleton an assurance of honour, life, and fortune in respect of any deeds done in the late rebellion, and he pleaded that this constituted also a remission of the fine in question. Leven denied that the bond granted by the late Lord Napier to Renton bore any relation to the penalty, which had been received and discharged to him by Archibald Sydserf, general commissary depute, some time previously. Renton himself, who as constable of the castle of Edinburgh had been custodier of the late Lord Napier while imprisoned there for a time, and other parties having been heard, Lord Napier, among his other defences, denied the discharge by Sydserf, and prayed the parliament to consider his present encumbered condition. For payment of only part of his debts his lands of Merchiston were mortgaged, while his west country lands were so ruined and overburdened by military quarterings that he could not nearly

¹ Acts of the Parliaments of Scotland, vol. vi. part ii. pp. 672, 710, 725.

² Acts of the Parliaments of Scotland, vol. vi. part i. pp. 707, 708.

meet the interest of his debts, far less provide for his own entertainment. Parliament, however, decided that the debt was valid, and that Lord Napier was liable therefor to the Earl of Leven.¹

In the following month parliament again passed in favour of the Earl of Leven an act of approbation and exoneration in regard to his past services, and ordained a valuable jewel to be given to him in token of their estimation thereof. The act is as follows:—

“The estates of parliament haveing takine to thair consideration that Alexander, Erle of Levin, Lord Balgony, hathe since the begining of the troubles of this kingdome bene employed these nyne yeiris bygane as generall and commander in chiefe over all the forces, horse and foote, within this kingdome, and sent into England and Ireland for advancing the work of reformatioun of religion and promoving the endis of the Solemn League and Covenant; and that in all and everie ane of these imploymentis (whiche God hathe blessed with happie succes) he hath evidentlie manifested his grave wisdome, vigilancie, and indefatigable panes, constant fidelitie, gallant conduct, and everie gift desireable in ane great leader of armies to the kingdome’s great satisfaction and his awne perpetuall honour. Therefore the saidis estates doe heirby allow and approve the said noble Erle, Lord Generall Levin, his whole cariage and honourabill deportment in the said charge and trust, with this testimonie, that he hath therby deserved this approbatioun with the returne of their publick acknowledgment of thankfulnes to be recordit as ane memoriall of honour to posteritie, and have ordered that ane jewell of the value of ten thousand merkis Scotis, with the pension alreadie established upon him be act, sall be given to him as ane small token of that great respect whiche they carie to his worth, valour, and merite.”²

Had this jewel been bestowed it would have formed the third trophy of the kind the earl received in recognition of his merit as a soldier, but the renewal of the troubles in Scotland appear to have prevented parliament from carrying this part of their resolution into effect. The Earl had already received a similar gift from the King of Sweden, Gustavus Adolphus, which he prized most highly, and in his will gave instructions that it should be preserved as an heirloom.³ In a litigation which took place in 1683 among the descendants of the earl special reference is made to the jewels. But only one is distinguished as “the great jewell, called the jewell of the family, gifted to Alexander Lesly, first Earl of Leven, when a general in Germany, by Gustavus Adolphus, King of Sweden,” and it was decided that this jewel as the “airship jewell,” must belong to the family; the rest, being of the nature of paraphernalia, could be treated as

¹ Acts of the Parliaments of Scotland, vol. vi. part i. pp. 694-696.

² *Ibid.* p. 777.

³ Vol. iii. of this work, p. 175.

moveable property.¹ The fact that the earl makes no mention of the English parliamentary jewel in his testament seems to imply either that like the Scottish jewel it was never presented, which is most likely, or that it had been lost or disposed of prior to the earl's own death.

In the following year, 1648, the earl was present at the opening of the second triennial parliament of Scotland held at Edinburgh, on 2d March. The most important business of this parliament was what was done in support of "the engagement" made by their commissioners with the king at Carisbrook, in terms of which they sent an army into England to attempt his rescue from the military faction which had seized the reins of power in England. But although parliament by a majority carried this measure it was strenuously opposed by the church and a number of the nobles headed by the Marquis of Argyll, whose opposition was based on the fact that it was in contradiction to the stipulations of the solemn league and covenant between the two kingdoms. Argyll's party was known as "the honest party," or "the godly party," and the Earl of Leven was among those who sided with Argyll. Turner says that Leven privately signed a petition drawn up by Argyll, called the petition of the army, the object of which was to secure religion before any forces were raised on the king's behalf. As the promoters of the movement for the king's release were indisposed to have Leven as their military superior, he was prevailed upon to resign his office of lord general. During the preliminary stages of the debate, and while reconciliation of the conflicting parties was being attempted, the opposers were assured that the old and tried officers of the army would again be their military leaders, and, says Baillie, "The old generall" (meaning Lord Leven) "for all his infirmitie is acceptable." But the Duke of Hamilton and the Earl of Callendar, who were eager for the war, were resolved to supersede Leven, and so, Baillie remarks again, "with threats and promises they moved old Lesley to lay downe his place."² Lord Clarendon corroborates this statement by Baillie in a passage in which he rather sneers at Leslie's reputation. He says:—

"It was a hard thing to remove the old General Leven who had been hitherto in the head of their army in all their prosperous successes. But he was in the confidence of Argyll, which was objection enough against him if there were no other. And the man was grown old and appeared in the actions of the last

¹ Fountainhall's Historical Notices of Scottish Affairs, vol. i. pp. 421, 422.

² Letters and Papers, vol. iii. pp. 40, 45. It corroborates the presumption that the earl was really infirm at this time, that a com-

mittee of the parliament on military matters was appointed to meet on the afternoon on 25th March in the earl's lodging in Edinburgh. [Acts of the Parliaments of Scotland, vol. vi. part ii. p. 16.]

expedition into England very unequal to the command. And therefore some expedient was to be found to be rid of him, and they found it no hard matter to prevail with him to decline command upon pretence of his age and infirmities, when of a truth he had no mind to venture his honour against the English, except assisted by English, which had been his good fortune in all the actions of moment he had performed in this war, and when he had been destitute of that help he had always received some affront."¹ But while writing thus Lord Clarendon appears to have forgotten Newburn and Newcastle, as well as other victories won by diplomacy by the "old general" when he had not only no assistance from the English but had to face all the forces they could place in the field. The only real affront he did sustain was when assisting the English at Marston Moor.

The act of parliament by which the earl was so far relieved of his command as general (for as the act shows, he was not wholly divested of it) bears that the measure was in response to his own request, as by reason of age and infirmity he was no longer able to undergo that great charge. He declared, however, that his affection and will to hazard his life for religion, king, and country remained unchanged. In accepting his demission the parliament appointed "the committee of 24" to express to him their sense of his generous behaviour and fidelity, and to present to him their formal approbation of his conduct as general,

"and everie passage therof, and in acknowledgment of thankfulnes they ordaine £1000 sterling to be payed to him during his lyfetye, and that an effectual course be tane for assuring the payment therof to him out of the reddiest publict moneyis of the kingdome. As also ordaines the jewell formerlie appoynted to be presentlie provydit and given to him as a merk of the parliamentis respect for his great and faithfull service. And farder, in caise vpon the removeall of this army out of the kingdome thair sall be occasionne to raise any new forces to be imployed within the kingdome for its saifety and preservatioun, the estates of parliament nominatis, maks, and constitutes the said Erle of Levin to be lord generall of these forces."²

This act manifests that though the Earl of Leven certainly had individual enemies and detractors both in the army and in the parliament, he stood high in the reputation and affection of both parties existing at this juncture, while in due consistency with all his former professions he stood firm for the furtherance of the ends of the solemn league and covenant. So did his able lieutenant, David Leslie, and many of the other principal officers. When, therefore, the resolution of parliament was taken to levy an army and send it into England for the deliverance of the king, it was necessary that the command of that army should devolve

¹ History of the Rebellion, vol. vi. p. 44.

² Acts of the Parliaments of Scotland, vol. vi. part ii. pp. 68, 88.

upon those whose consciences were not fettered by the methods to be employed. The movement was not popular in the country, and strong means were needed to compel those levied to attend. When the army did enter England, as Turner relates, the headstrong determination of Callendar to carry things his own way, and the subsequent dissensions and breach between him and the Duke of Hamilton, with want of heart to the work in the army, rendered it easy for Cromwell to inflict a decisive defeat upon the Scots at Preston in Lancashire, and Hamilton, taken prisoner, expiated his participation in the engagement with his life at London.

In terms of this act the overthrow of the Duke of Hamilton at Preston, and the dispersion of his army, *ipso facto* reponed the Earl of Leven in his old office as lord general, while at the same time it recalled the Marquis of Argyll's party to power. The ill-advised expedition into England gave Cromwell a sufficient *casus belli* with Scotland, and steps had to be taken at once to obviate further disaster. He was met on the borders by Argyll and other prominent members of the "honest party," and after explanations given and received, the English leader was invited to Edinburgh as a peaceful guest, and accepted the invitation. Meanwhile two Scottish armies had taken the field, one at Stirling, under the Earl of Lanark and General Munro, being the remnant of Hamilton's army which had escaped, and the other nearer Edinburgh, under the Earl of Leven and David Leslie, each hostile to the other, but under treaty in face of the common danger. In terms of the agreement with Cromwell, however, these were both disbanded, with the exception of fifteen hundred horse and foot under the Earl of Leven, which were to be maintained to secure the disbanding of the rest.¹

Lambert, Cromwell's major-general, was the first to come to Edinburgh, and he is mentioned as visiting the Earl of Leven and having some discussion with him.² Cromwell came soon after and was lodged in the Earl of Moray's house in the Canongate, and during his stay was entertained by the Earl of Leven in the castle of Edinburgh, "where was provided a very sumptuous banquet, old Leven doing the honours, my lord Marquis of Argyle and divers other lords being present to grace the entertainment. At our departure many pieces of ordnance and a volley of small shot was given us from the castle."³ But this agreement with Cromwell did not last long.

When parliament again met at Edinburgh on 4th January 1649, under different auspices from the last, the Earl of Leven was present and was recog-

¹ Carlyle's *Cromwell's Letters and Speeches*, Letter lxxv.

² *Historical MSS. Report*, x. part vi. p. 171.

³ Carlyle's *Cromwell's Letters and Speeches*, Letter lxxvii.

nised as lord general. Important events were transpiring in England, where, against the urgent remonstrances of the Scots, by their commissioners at London, King Charles the First was put to death. On receiving intelligence of this, the Scottish parliament proclaimed his son, King Charles the Second, as king of Great Britain, France, and Ireland, and took measures for placing the kingdom in a posture of defence, while they invited their new monarch to return from his exile in Holland. The Earl of Leven, in regard to military matters, besides the supreme command, was appointed on the committee of war for the county of Berwick, and a supernumerary on the committee for despatches. He held the appointment also of a colonel of the horse in the new levies, his troop being sixty strong.¹

About this time also Montrose headed another expedition into Scotland, in the hope of setting Charles the Second upon the throne without the aid of the covenanters. It was his last and fatal effort. On his landing in Orkney the parliament immediately required the Earl of Leven or his lieutenant to proceed north to check his progress, and armed them with powers to deal with such as had taken part with Montrose, either to punish or pardon. David Leslie was sent, with the result that after his followers had been dispersed, Montrose himself was brought to Edinburgh, tried, and executed.² The alarm which existed in the country during the expeditions of Montrose, between 1640 and 1650, is shown by the burying of the Lovat charter-chest under ground to conceal it from the enemy. This fact is stated in a letter by a lawyer to the Earl of Leven, in which, referring to these, he says:—"I have seine the chartour kist, and I find thair is many writis away since I wes thair last. It is alledgit that the chartour kist wes put wnder the ground the tyme that Montrois wes in the country, and that they war oppint than all out lyeing soe long wnder the earth for fear of roating, at quhilk tyme I suspect they have gottine wrong."³

Other injunctions issued by this parliament to the Earl of Leven illustrate the occasional use of the army as a civil police, a practice indeed frequently resorted to by the parliaments of the covenanting period in their efforts to preserve public order. He was placed on a small committee to arrest such of the engagers as had committed outrages upon their fellow-subjects during their brief period of power.⁴ On a supplication by the creditors of Sir Alexander Nisbet of West Nisbet, a noted royalist, the lord general was authorised to have him arrested by his troopers assisting the messengers-at-arms, and to re-incarcerate him in the

¹ Acts of the Parliaments of Scotland, vol. vi. part ii. pp. 124-187 *passim*, 379, 507.

³ Letter, dated Elgin, 26th March 1651, in Melville Charter-chest.

² *Ibid.* pp. 222, 700.

⁴ Acts of the Parliaments of Scotland, vol. vi. part ii. p. 133.

Tolbooth of Edinburgh, out of which he had been taken by Montrose in 1645; and the like instructions were given him in regard to similar cases in other parts of the country.¹

In this same parliament of 1649, which the Earl of Leven attended to its close, being mentioned by Balfour as one of the ten noblemen who alone put in an appearance at this meeting, he, as keeper of the castle of Edinburgh, drew attention, as he had formerly done, to the ruinous condition of its walls, its want of proper victualling, and generally insecure condition. He offered that if the treasurer would pay certain sums due to him, for which precepts had been long issued by parliament, he would devote these to the reparation of the castle, and wait the public convenience for receiving his own money. 12,320 merks were still due to him of the sum voted in his favour in 1641 by the parliament, and on this being represented, an act was passed of new, on 16th February 1649, ordaining that this sum should be paid. A discharge granted by the earl to Sir John Wemyss of Bogie, treasurer of the army, for £8213, 6s. 8d. Scots, shows that at length this sum of one hundred thousand merks was received in full by the Earl of Leven.² From similar documents and exchequer precepts preserved at Melville, it is evident that the government of the day were frequently indebted to the earl for accommodations to tide over temporary difficulties, and while the authorities acknowledge their obligations, the earl's action and offers to expend still in the public service these moneys, if repaid, show the sincerity of his public spirit.

On the day that the earl received the money referred to above, the parliament had under consideration another supplication from him respecting the condition of the castle, as nothing had been done upon his former representation. In this he states that having been intrusted by the king and parliament with the keeping of the castle, he had been most careful in so doing for the public service. He had deemed it his duty to represent to them its insecure condition, and also to suggest how the cost of repairs might be defrayed. Nothing had been done, however, and now that the parliament was ordering the embodiment of a new army to meet the dangers which threatened the kingdom, he "conceaves himself obleidged in duety againe to represent to the parliament the conditione of that castle. If the repaireing of that castle and furnishing of it be any langer delayed, this will beare witnes that he hes dischaired his duety, and that no

¹ Acts of the Parliaments of Scotland, vol. vi. part ii. pp. 351, 428, 720.

² The discharge in the Melville Charter-chest is dated 14th March 1648. But this is

probably a mistake for 1649, according to the Scottish mode of reckoning at that date, though the old style was still recognised in England and elsewhere.

blame may be imputed to him." On this occasion the parliament was stirred to action, and the offers of the earl accepted, their orders probably being the occasion of the payment of the balance of the grant of 1641. Instructions were given to the treasury, who placed in the earl's hands a precept on the chamberlain of Fife for £500 sterling for the purpose of repairing the castle. The work was immediately begun, and the earl's next report on 8th June following set forth that he had expended £11,801, 9s. 4d. in the work (whether sterling or Scots money is not stated), but he had not been able to obtain the amount of the precept. Another recommendation to the treasury was the result, but apparently to little purpose.

One part of the changes authorised at the castle was the demolition of the outmost fortification called "the Spur," which for the greater security of the castle was to be smoothed and levelled. The stones were to be used by the earl in repairing the other walls, and what remained with the outer gate and its pertinents were to be given to the town of Edinburgh, while the great gate was to be placed about the parliament house for beautifying the outer court thereof.

Other arrangements were also debated in parliament respecting the fortress and its provisioning; but, despite all that the general could do, the recommendations on this point were not attended to. When Cromwell's army was preparing to march upon Scotland, the earl, in consequence hereof, in his own name and the under officers of the castle, protested that he should be free of any inconvenience which might befall the castle of Edinburgh, in respect it had not been properly provided.¹ Events, however, soon severed the connection of the Earl of Leven with the castle.

Another meeting of parliament took place in Edinburgh on 7th March 1650, and continued in session there until the 5th of July. It was part of its labours to conduct the negotiations with King Charles the Second at Breda, and before it rose the king had arrived in the country. His coming was the signal for war with England; and when it was known that Cromwell was preparing an expedition into Scotland, an order for the levy of an army was at once issued. A day or two previous to the passing of this act, and in view of the duties which he saw would be imposed on him thereby, the Earl of Leven desired to be relieved of his office as general. Balfour says that in a short discourse, he, on account of his age and for other reasons, laid down his office at the parliament's feet, and so removed himself out of the house. He then adds that the house, having taken to their serious consideration the lord general's proposal and demission, ordained the lord president to tell his excellence that they greatly blessed God, with all thankfulness to His divine Majesty for his happy carriage in the former conduct of their armies,

¹ Acts of the Parliaments of Scotland, vol. vi. part ii. pp. 286, 403, 517, 568, 583, 597, etc.

and entreated him still to continue in his charge. And seeing he had so able a depute (meaning the lieutenant-general, David Leslie), they would have a care to lay no more upon him than he should be able to undergo, and with which his great age might comport. This was all but unanimously agreed to, one solitary vote being offered in the contrary by one of the commissioners for the shire of Wigtown, Glendinning of Gelston, whom Balfour characterises as “a phanatick fellow, made from the dunghill by medling with the publickes service.”¹

The Earl of Leven was accordingly continued in his command as general of the Scottish army, but more as an advising than an active leader. His prudence and sagacity in military matters had been hitherto so conspicuously crowned with success, and so reverse had been the experience of the Scots when he was absent, as at Preston in England, that the parliament felt they could not afford to dispense with his services, even though they could no longer expect from his age that he would lead their battalions in the field. But as he and his lieutenant-general, David Leslie, wrought so perfectly in harmony together, the arrangement was as good as might be.

In his expedition into Scotland in 1650, Cromwell found his march unopposed till he reached the neighbourhood of Edinburgh. Here an army was assembled under General David Leslie, whose policy seems to have been the old Scottish one, if possible, not to fight, but to wait and watch, in the hope that the difficulty of procuring supplies would compel Cromwell's retreat. Consequently, while watching every movement made by Cromwell, and successfully thwarting all his efforts to gain the town, Leslie maintained the defensive for over a month, and had the satisfaction of seeing his tactics succeed. Worn out with exposure to an inclement autumn, and on the verge of starvation, the English army was compelled to retreat to Dunbar. Leslie now followed them, and seizing the hill-passes of the Lammermuirs immediately to the south, determined to cut off their retreat. The prospects of the English looked desperate, and even Cromwell felt them to be so. But as is well known, an ill-advised movement on the part of Leslie gave an opportunity which Cromwell promptly seized, and the issue of the battle of Dunbar left him a conqueror. The Scots army was completely broken up and routed, and fled to Edinburgh pursued by the Ironsides. The battle took place at dawn on the 3d of September 1650. The Earl of Leven, who had been personally on the field, succeeded in making good his escape, reaching Edinburgh only about two in the afternoon.²

¹ Annals of Scotland, vol. iv. pp. 58, 59.
Cf. Acts of the Parliaments of Scotland, vol. vi. part ii. p. 587.

² Acts of the Parliaments of Scotland, vol. vi. part ii. p. 769.

That town, however, was now at the mercy of Cromwell, who shortly after took possession of it, but doubtless before he entered, the earl had taken his departure, as he would not afterwards have been allowed to leave the city. In doing so, however, he gave the castle in charge to his son-in-law, Walter Dundas, younger of Dundas, who succeeded for a time in holding it against the English leader, but was ultimately obliged to yield. Before the battle of Dunbar took place the king and court had been removed to Perth. But the committee of estates only went to Stirling, where another army was assembled and posted under David Leslie, to prevent the passage of the English northwards. Where the Earl of Leven went it does not clearly appear. Balfour gives a minute account of the proceedings of the committee of estates, and the names of the nobles present at their meetings in Stirling, but Leven is not included. He either retired to his residence in Fife, or more probably was with the army at Stirling. The next mention of him is at the parliament which met at Perth on 26th November 1650, though it does not appear that he was present. On the third day of the parliament, a petition was laid before them from the earl in which he supplicated for an expression of their judgment respecting his conduct at the battle of Dunbar, and laying down his commission at the feet of the king and parliament until he be cleared.¹ This petition was referred to the committee for military affairs, and the fact of its being presented, together with the renewal of his commission by parliament several months before the affair of Dunbar, and a statement by the Earl at a later date in his petition to the English parliament refute the generally expressed opinion that the earl was only present at this battle as a volunteer. He was there as commander-in-chief, and in his petition to parliament he assumed all the responsibility for the result. In his supplication he craved "that his Majestie and estaittis of parliament wald be pleased to tak exact tryall of all his cariages in there scverall services, and especiallie concerning the late vnhappie bussienes at Dumbar, and that as his deserveing sould requyre, that some impartiall course may be takin thairin and testimonie gevin him accordinglie." A deliverance was given in his favour in the following terms:—

"His Majestie and the estaittis forsaidis having called to mynd the said Erle of Levin, lord generall, his cariage and deportment in the late conduct of the armie, wherein it pleased God not to give such suces as at other tymes; and remembring the many faithfull eminent services done by him in proseeuteing the enemies of this caus and kingdome both within and without the countrie, and having so good and reall prooffe of his faithfulness and abilities in dischaarge of the trust committed to him, thairfore his Majestie and estaittis forsaidis doe give and grant to the said Erle of

¹ Balfour's Annals of Scotland, vol. iv. p. 187.

Levin, lord generall, ane full exounoratione in relatione to all his former imploymentis and service, with ample approbatione for his fidelitie thairin.”¹

Another meeting of parliament took place at Perth in March 1651, which the Earl of Leven attended, and a few days after its opening made another effort to be relieved of his charge as lord general of the army. It was ineffectual, however, as the parliament were averse to the loss of his services. He was now very aged, and pleaded this fact. In his petition he says that—

“Conceaveing it to be his greatest happines to be serviceable to the king’s Majestie and the kingdome in the preservatioun of the caus of God (he) hes thairvpone, with much waiknes bot with exact fidelity and affectione, contribute his vtmost endeavours and paines in thair service thir twelf yeirs bygone, and wold have most willingly continewed thairin, bot that it hes pleased God to viseit him with such waiknes, the inseparable companion of old aige, that he is not able to performe that service that ather the importance of the publick affairs or his duetie and affection to his Majesties service doeth requyre of him ; and thairfore that thair be no preiudice by him, he does with all humility surrauder and dimitt to the king’s Majestie and estates of parliament his office and charge of being general of the forces of the kingdome, to be disposed as the king’s Majestie shall think fitt, and if it shall pleas God to grant him health and strenth, he shall be most willing to attend his Majestie and contribute with his best advyse.”

In reply to which the parliament, after passing, in terms as formerly, a high encomium on his services and character, continned him “in his former charge as generall of the forces of this kingdome ; and considdering that in respect of his aige and indispositioun of his body, he is not aible to geive constant attendance vpon the army ; thairfore his Majestie and Estates forsaidis dispences thairwith, he always attending his Majestie and the army as his hailth may permitt him ; and declairs that in respect of his indispositioun foresaid he shall noways be comptable for any omission if any shall be in the army bot shall be only redy to geive his best advyse in everything concerneing the sam.”²

After a short recess of a few weeks the parliament met again at Stirling, but in connection with it the Earl of Leven is noticed only as presenting a petition and obtaining decree in his favour against Sir James Stuart, and also being continued as a member of the committee of estates.³ He seems at this time, notwithstanding his dispensation, to have been present with the army at Stirling, whence he could not return home to attend the funeral of his wife, the Countess

¹ Extract Act in Leven Charter-chest, dated 23d December 1650. Cf. Acts of the Parliaments of Scotland, vol. vi. part ii. pp. 609, 618, 624.

² Acts of the Parliaments of Scotland, vol. vi. part ii. p. 651.

³ *Ibid.* pp. 668, 679, 687.

of Leven, who died at Inchleslie, in the Carse of Gowrie, on 26th June, this year. Lamont notes the event, and adds:—"Her corps were brought to Balgonie in Fyfe, and were interred the 23d of July att Markinshe, in the night season, a few onlie attending them, her husband, the Earle of Leuin, not being present, bot was vp att Stirling with the armie."¹ Possibly the movements of Cromwell's troops had something to do with the earl's absence from the funeral of his countess; for at this very time, while Cromwell himself was threatening the Scottish position at Stirling, part of his forces had effected a landing on the Fifeshire coast, and had taken possession of the district.²

When Cromwell crossed the Firth of Forth the Scottish leaders resolved on the bold step of invading England. Led by David Leslie, and with King Charles the Second himself in their midst, they suddenly struck their camp and marched southwards. Their destination was the English capital, and they succeeded in reaching Worcester before the pursuit of Cromwell forced them to stand. Here the Scots fortified themselves, and on the anniversary of Dunbar, the 3d of September, the battle of Worcester took place. After a stubborn fight the Scots were totally defeated, only a few, among whom was the king, succeeding in effecting their escape.

While the Scottish army was marching south, a powerful detachment of the English parliamentary forces under General Monck continued their progress northwards and throughout Fife. Perth had been rendered before Cromwell left, and now Monck's soldiers were besieging Dundee. The Scottish committee of estates, with whom the Earl of Leven was, were being driven further north. They attempted to hold a meeting at Alyth, in Forfarshire, on the 28th of August. But intelligence having reached Monck at Dundee, he sent a military force to the spot, which succeeded in surprising and capturing all the members, including the Earl of Leven. The prisoners were immediately sent off by sea to England—first to Tynemouth Castle and then to the Tower of London, where they probably arrived in the latter half of September. They were certainly there before the 1st October, as on that date his son-in-law, Ralph Delaval of Seaton-Delaval, in the county of Northumberland, petitioned the English council of state for leave to visit the Earl of Leven in the Tower in order to supply him with necessaries, and the request was granted. Two days later, on the motion of Cromwell himself, the council agreed to give the earl the liberty of the Tower, and leave to his servant to come and attend him. Delaval, however, endeavoured to obtain the council's permission that the earl should be imprisoned at his house

¹ Lamont's Diary, p. 31.

² Carlyle's Cromwell's Letters and Speeches, Letter clxxvi.



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AGNES RENTON.
WIFE OF
ALEXANDER LESLIE, FIRST EARL OF LEVEN.

in Northumberland, to which they agreed on condition that the earl himself gave his parole under his hand and seal, and that Delaval found security to the amount of £20,000 that the earl would be a true prisoner to parliament, as by them confined to Mr. Delaval's house at Seaton Delaval, or within twelve miles thereof, and not depart thence without leave, nor meantime act, advise, or contrive anything prejudicial to parliament. These conditions were complied with, the earl giving his parole as required, and Delaval himself, with John Delaval of Peterborough and John Delaval of Dover, probably relatives, entering into a recognisance, jointly and severally, of £20,000 for his safe keeping. Warrant was thereupon given to the lieutenant of the Tower to release the earl, and also Lauchlan Leslie, his servant, to attend him.¹

The Earl of Leven continued to reside at the house of Mr. Delaval and his eldest daughter until the year 1654, save that in June 1652 he received a permit from the English council to proceed to London for two months, the time being afterwards twice extended for similar periods, the latter on account of the expediency of his travelling so far in mid-winter. While he was in London in December 1652 a general order was issued for the remanding of all prisoners, and it appears as if the earl had been again committed to the Tower, as special instructions were sent to the lieutenant of the Tower that it had not been intended by this order that the Earl of Leven should be remanded. He also employed his stay in London to petition for the recovery of his estates, concerning which reference was made to the Scottish executive, and orders issued that none of them should meanwhile be given away or disposed of.² Nothing, however, was immediately done. In August 1653 the earl was again petitioning the English council, when it was arranged that Captain Howard should present the earl's petition to the parliament.³ In the following March it is minuted in the council's proceedings that the earl's petition had been referred to the committee for Scottish business for report.⁴ To what this petition related does not appear, but about this time Christina, Queen of Sweden, and her son the king, were exerting themselves on behalf of the earl. The queen wrote to the English parliament requesting his freedom, and setting forth the great services he had rendered in various countries between 1605 and 1638. Her letter is dated from Stockholm on 17th September 1653,⁵ and may have been penned in support of a petition for freedom from the earl himself. At all events her intervention was

¹ State Papers, 1651, pp. 431, 458, 465; Parliaments of Scotland, vol. vi. part ii. pp. 1651-2, pp. 12, 16, 17. 777, 797, 800.

³ *Ibid.* 1653-4, p. 79.

² State Papers, 1651-2, pp. 289, 432, 511; 1652-3, pp. 65, 97, 100, 103; cf. Acts of the

⁴ *Ibid.* 1654, p. 54.

⁵ Note of Letter in Melville Charter-chest.

successful, and the earl was permitted to return to Scotland. He came to Balgonie, says Lamont, on 25th May 1654, "haveing his person relaxed, his sequestration taken of, and frie of any pecuniall fyne; this was done by the meanes of the Queene of Swedden."¹

Some portion of the earl's estates, however, had been disposed of to an English officer, with whom complications arose later. These gave rise to the following petition, presented by the Earl of Leven to the English parliament, which is interesting as giving the earl's own account of some of the main incidents of his later life:—

"To the Supream Authority the Parliament of the Commonwealth of England,
"The humble peticion of Alexander, Earle of Leven;

"Humbly sheweth,—That in the yeare 1640 your petitioner came into England generall of the Scotch army at a seasonable tyme out of a brotherly affection to this nation, which, by the providence of God after the success of the Scottish army at Nuburne, proved the greate occasion that induced the late king to call this present parliament; and how faithfull your petitioner was to the intrest of the good people of this nation dureing the tyme the Scotch army resided in England in keepinge the army from being wrought uppon to your disservice he doubts not but is fresh in your honnours memory.

"That in the yeare 1643 hee came in like manner generall of the Scottish army in the wiuter season, and made way with the same, notwithstanding the interposition of the Earle of Newcastle's army, till he became possessed of the port of Sunderland in order to your service, and that after Yorke fight, your petitioner layd seige to the towne of Newcastle which place he obteyned, and though the same was taken by storme, yet out of his affection to the English nation he would not suffer that the inhabitants should be put to the sword; although the army were exceedingly provoaked thereto by the losse of the lives of many of their best commanders.

"That in anno 1648, when Duke Hamilton invaded this nation, your petitioner, notwithstanding all importunities and proffered incouragements for ingageing in that service, did refuse to invade England, and not only thereupon layd downe his commission granted to him for his life, but likewise did take vpon him the commande of the army raised by the well efected in Scotland in opposition to that ingagement of the said dukes. For all which services your petitioner did at severall tymes receive letters of thankes and other toakens of acceptance from this parliament.

"That your petitioner doth acknowledge that in the yeare 1650, when your forces entred Scotland, your petitioner, haveing then the tittle of generall, was thereby obliged to be with the Scotch army at Dunbarr. But after the Scotch army entred England the petitioner did not enter with them; but retired with other noblemen and gentlemen of that nation northwards, where afterwards he was taken prisoner at Elliott.

"That your petitioner being thus taken prisonour had his estate therevpon seized and

¹ Diary, p. 72.

sequestred, and afterwards, by an order of this present parliament of the ffowerteenth of May 52 it was referred to the commissioners for sequestration and confiscated estates in Scotland to sett forth lande of the cleare yearly vallne of £500 per annum for Colonel Overton and his heires (£100 per annum whereof hee was to pay as a rent to the commonwealth; in pursnace whereof the said commissioners, although your petitioners estate was never adjndged confiscat by parliament), did assigne the said Colonel Overton to receive the said annuall sume out of his estate; and your petitioner afterwards humbly addressing himselfe to this present parliament for releefe therein, you were pleased by your order of the 29 of October 1652, for the reasons therein conteyned in his petition, to referr your petitioners case to a committee of your owne, and in the meanetyme, and vntill the matter of fact was stated and reported to your honnours, were pleased to order the stopp of any further disposall of your petitioners estate; but your honnours, before any reporte made of his case being interrpted, afterwards vpon a generall order made by the late deccased protectour for satisfaction of those persons who had donatines, the said Colonel Overton, by his attorney therevnto authorised, did declare his willingness (before hee was vnder any restraynt) to except of satisfaction in money for his said donatiue from the state after the rate of tenn years value out of the £40,000 imposed as a ffyne vpon certayne persons in Scotland, and about the same tyme the said deceased protectour was pleased, in consideration of your petitioners said service, and vpon a lettre written from the King of Sweaden mediateing on your petitioners behalfe for the free restoreing him to his said estate, to cause all sequestration to be discharged; and your petitioner, shortly after marrying his grand childe to the daughter of Sir William Howard of Naworth, in the county of Cumberland, did settle and entayle his said estate vpon his said grand childe and his posterity.

“That Colonel Overton not haueing received the afforesaid satisfaction in lein of the said donatine, hath lately presented this parliament with a petition to be restored to his said donative out of your petitioner’s said estate; which, if your honnours should grant, will not only be a greater punishment then hath been inflicted vpon any the confiscated persons in Scotland, but is that which will be the total ruine of your petitioner and his relations, and must necessarily bring downe his grey haire with sorrow to the grave.

“Your honnours’ petitioner therefore humbly prayeth that the perticulars before mentioned may be taken into your serious consideracion, as also the settlement of your petitioner’s estate vpon marriage as ffioresaid, and to continue your petitioner and his said grand childe in the possession of their said estate; and that for effectnall releife and satisfaction to the said Colonel Overton, your petitioner humbly beseecheth your honnours will be pleased to finde out such other way as by your honnours’ greates wisdom and goodness shall be thought fitt.

“And he, as in duty bound, shall ever pray, etc.

“LEVEN.”¹

¹ Original or signed copy, undated, in Melville Charter-chest. The reference to the lately deceased protector fixes the date as about the year 1659.

What the result of this petition was has not been ascertained. It is indeed doubtful if anything was done by the English parliament, as they soon had enough of other work cut out for them by the schemes of General Monck. The restoration of the monarchy, however, in the following year, placed an insuperable bar in the way of Colonel Overton's wishes, and gave the desired relief to the old Earl of Leven.

Hitherto we have only dealt with the political career of the Earl of Leven. It is necessary that we look back to his domestic and private life, of which, however, little is known, until he came into prominence as the great warrior he was. As a soldier, early in life he had carved out his fortune with his sword, and from time to time, during his military career on the Continent, found leisure to return to his native country and enjoy somewhat of domestic felicity. He must have married pretty early in life, as his son Alexander took service with him under the king of Sweden, and was, as formerly stated, a colonel in the Swedish army in 1637.

It was in 1635, during one of his visits to Scotland, that Sir Alexander Leslie purchased the greater portion of his landed estates. These investments indicate a wish on his part to retire from active military service for the remainder of his life. He already possessed an estate in Sweden, which he had received from Gustavus Adolphus in 1630, confirmed to him by Queen Christina in 1632, and, as formerly noted, two earldoms in Germany—at least according to an English account. His rights to these, however, if they were granted, must have vanished when the Imperialist troops again overran the country; and the Swedish estate never seems to have been entered upon. Indeed it was recalled by the Swedish government in 1655, as having been unduly and therefore illegally bestowed on him. But the leanings of Sir Alexander Leslie were towards his native country, and he aimed at settling there.

The barony of Balgonie, in Fife, belonged, in 1445, to the Sibbalds, from whom, a little later, it passed by marriage to the family of Lundie. The Lundies held it for more than a century, and then sold it in 1626 to two sons of Boswell of Balmuto. Being, however, heavily encumbered with debt, the barony was sold in 1634 to John, Earl of Rothes, who, in purchasing, probably acted for Sir Alexander Leslie, as he sold it to him in the following year, with the lands of Craigincat, likewise acquired from the Boswells.¹ About the same time Leslie acquired Boglilie from Sir John Boswell of Balmuto, with consent of the Earl of Rothes and others. The infeftments of these lands were taken to Sir Alexander Leslie as liferenter, and to his son, Colonel Alexander Leslie, as fiar, who in the following year married Lady Margaret Leslie, daughter of the Earl of Rothes.

¹ Disposition, dated 13th June 1635, in Melville Charter-chest.

Another estate purchased at this time was that of East Nisbet in Berwickshire. In the latter half of the fifteenth century it came by marriage from the family of Nisbet to that of Chirnside, and continued with the latter till 1622, when it was appraised for debt by John Cranston of Thorndykes, who, in 1626, disposed it to Lord Cranston, and he to General Leslie in 1635. This estate, with the others in Fife, were by crown-charter erected into the barony of Balgonie in favour of Sir Alexander Leslie and his son, and their heirs, and the grant was afterwards ratified by parliament.¹

One thing which shows that Sir Alexander Leslie was in Scotland at the time these purchases were made is that he was then presented with the freedom of the ancient burgh of Culross.² This was apparently the only case in which the continental fame of the earl procured such a recognition. After his services, however, as general of the Scots army, similar honours were conferred upon him by other Scottish towns. On 1st November 1639 he was presented with the freedom of the town of Perth. Edinburgh followed suit on 1st April 1640, and a month later South Queensferry made "the right honourable and renowned" general one of her burgesses. In 1642, when the expedition under his care was sent to Ireland, Dunbar showed her esteem for "the mighty and potent Erle, Alexander Erle of Levin," etc., by enrolling his name, on the 6th July, on her civic list; and on his way to assume the command, he was stopped at Ayr, and presented with the freedom of that town; while Glasgow seized her opportunity on his return from Ireland thither on 2d December to make "the most honourable brave and worthy leader" one of her burgesses.³

In 1642 the Earl of Leven made a further settlement of his estates by an entail conceived in favour of his respective grand-children and their issue. He, as liferenter, and his son, Lord Balgonie, as fiar, grant these estates to Alexander Leslie, only son of the said Lord Balgonie and Lady Margaret Leslie, his wife, daughter of the deceased John, Earl of Rothes, and to the heirs-male of his body. The succession in the entail is then stated to the following other grand-children of the earl and their heirs-male, viz., Alexander and Francis Ruthvens, the second and third sons of Major-General Sir John Ruthven and Lady Barbara, the eldest daughter of the earl; to the son of Walter Dundas, fiar of that ilk, and Lady Christian, second daughter of the earl; to the second son of Hugh, Master of Lovat, and Lady Anna, third daughter of the earl; and then to the second son of his youngest daughter, Lady Mary, and whomsoever she should marry. Fail-

¹ Acts of the Parliaments of Scotland, vol. v. p. 450.

² Burgess ticket, dated 9th July 1635, in Melville Charter-chest.

³ Burgess tickets in Melville Charter-chest.

ing all these the succession was devolved on Captain John Leslie of Edrom, brother of the earl, and the heirs-male of his body; then on the second son or lawful nearest heir-male of the family of Rothés, and finally on the heirs-male of that house succeeding to the earldom of Rothés, the successor being obliged to take the name of Leslie, and bear the insignia of Leven and Balgonie. The granters reserved their respective liferents and power of redemption by payment in the church of Markinch, or at the outer door of Balgonie, of ten merks Scots, gold or silver, on three days' warning.¹

The close relations that existed between the house of Rothés and the earl's family are manifested in this entail, as well as in the matrimonial alliance between them. It is further evinced by the earl obtaining, after the death of John, Earl of Rothés, in August 1641, a gift from the king of the ward and marriage of the young earl, who afterwards became Duke of Rothés and chancellor of the kingdom. Along with the gift there is stated to have been an assignation of the same in favour of the young Earl of Rothés, showing the intention of Lord Leven to make it over to him at a convenient season.² Probably this was done on the occasion of his marriage in 1648 to Lady Anna Lindsay, eldest daughter of the lord high treasurer, to which, as one of his curators, the Earl of Leven gave his sanction.³

Later, the Earl of Leven added to his possessions in the counties of Fife and Berwick by the purchase in 1650 from Sir Patrick Ogilvie, Lord Deskford, of the estate of Inchmartin in the parish of Errol, and Carse of Gowrie, Perthshire. The price appears to have been 40,000 merks, for which the earl granted a bond. But owing to the events which took place immediately afterwards, and the capture and removal of the earl to England, the bond was not duly met until after his return, before which time, however, action for payment had been commenced against the earl in the court of Cromwell's "Keepers of the Liberty."⁴ The earl changed the name of the estate to Inchleslie, but the Ogilvies re-acquired the estate about 1720, and the name was restored to its original form.

When between 1651 and 1654 the earl was in England a prisoner of the commonwealth, and residing at Seaton-Delaval, in Northumberland, the residence of his third daughter, Lady Anne, the Howards of Naworth Castle, in the adjacent county of Cumberland, did some friendly service in connection with the negotiations with Cromwell's parliament for his release, etc., and the friendship

¹ Charter, dated 27th July 1642, in Melville Charter-chest.

² Fourth Report of Historical MSS. Commission, Appendix, p. 509.

³ Fourth Report of Historical MSS. Commission, Appendix, p. 510.

⁴ Disposition and other papers in Melville Charter-chest.

with this family was soon afterwards more closely cemented by the earl's arranging the marriage of his grandson to Margaret Howard, the sister of Charles, first Earl of Carlisle. In 1656 he made his will, in which he left all his property to his grandson, with a particular charge to preserve in the family the jewel gifted to him by the King of Sweden; and he added several other special wishes.¹ He lived to see the restoration of King Charles the Second in 1660, and died at Balgonie on 4th April 1661. He was buried in the evening of the 19th of the same month in his own aisle at Markinch Church.

As formerly stated, Alexander, first Earl of Leven, married Dame Agnes Renton, daughter of David Renton of Billie, in the county of Berwick, who predeceased him on 26th June 1651, and was buried at Markinch on 23d July, under circumstances already referred to. It is stated, on the authority of an English peerage-writer, that the earl afterwards married, as his second wife, Frances, daughter of Sir John Ferrers of Tamworth, in Staffordshire, widow of Sir John Packington of Westwood, in Worcestershire, but not the slightest indication of such a marriage is afforded by the family papers, so that, to say the least, it is extremely doubtful. By his countess, Agnes Renton, he had issue two sons and five daughters :—

1. Gustavus Leslie, who appears to have died young.
2. Alexander Leslie, Lord Balgonie, the second, but only surviving son, who, following the same calling as his father, accompanied him to the Continent, and rose to the rank of colonel in the Swedish service. He married, in 1636, Lady Margaret Leslie, second daughter of John, fifth Earl of Rothes, having previously, as stated above, been placed in possession of the estates as *fiar*, in part of which Lady Margaret was infeft as her jointure lands.² He seems to have been of a facile and easy nature, and to prevent the possibility of injury to the family on that account he granted a bond debarring himself from borrowing money, contracting debts or cautionries, or doing anything to dilapidate the estate, without the consent of his "loveing father," and of William, Master of Cranston, Major-General Sir John Ruthven, and Walter Dundas, younger of that ilk, his brothers-in-law, and John Renton of Lamberton, while letters of inhibition following upon the bond were procured against Lord Balgonie.³ He made his will on 12th January 1644, appointing curators for his children,⁴ and died in the following year.

¹ Vol. iii. of this work, p. 175.

² Fourth Report by the Historical MSS. Commissioners, Appendix, p. 509; cf. *Memoirs of the Family of Wemyss of Wemyss*, by Sir William Fraser, K.C.B., vol. ii. pp. 318, 319.

³ Bond (Extract), dated 27th December 1643, and Letters of Inhibition, dated 24th January 1645, in Melville Charter-chest.

⁴ Vol. iii. of this work, p. 172.

Lady Margaret Leslie, Lady Balgonie, survived her husband, and was twice afterwards married, to Francis, second Earl of Buccleuch, in 1646, and to David, second Earl of Wemyss, in 1653. This remarkable lady had a very prominent hand in bringing about the restoration of King Charles the Second in 1660. She was by her several marriages mother of the second Earl of Leven, of the two young Countesses of Buccleuch, Mary, and Anna who became Duchess of Buccleuch and Monmouth, and also of Margaret, Countess of Wemyss in her own right. The issue of the marriage of Alexander, Lord Balgonie, and Lady Margaret Leslie were—

- (1.) Alexander Leslie, second Earl of Leven, of whom a short notice follows.
- (2.) Catherine Leslie, who married George, first Earl of Melville, and has been noticed in his memoir.
- (3.) Agnes Leslie, who is mentioned in her father's testament, but appears to have died young, apparently before January 1646.

The daughters of Alexander, first Earl of Leven, and Agnes Renton, were—

1. Lady Barbara Leslie, who married General Sir John Ruthven of Dunglas, and had issue.
2. Lady Christian Leslie, who married Walter Dundas, younger, of Dundas, and had issue.
3. Lady Anne Leslie, who married, first, Hugh, Master of Lovat, and had issue, and secondly, Sir Ralph Delaval of Seaton-Delaval, in the county of Northumberland, and had issue.
4. Lady Margaret Leslie, who married James Crichton, first Viscount of Fren-draught, and left issue a daughter, Lady Janet, to whom the Earl of Leven refers in his will. She married, in 1665, Sir James M'Gill of Rankeillor, her dowry being provided temporarily out of the Leven estates.¹
5. Lady Mary Leslie, who married William, Master of, afterwards third Lord Cranston, and had issue.

¹ Lamont's Diary, p. 181.



LADY MARGARET LESLIE, COUNTESS OF BUCCLEUCH:
MARRIED 1646: DIED 1688.

II.—ALEXANDER, SECOND EARL OF LEVEN.

MARGARET HOWARD (CARLISLE), HIS COUNTESS.

1661—1664.

On the death of his father in 1645, Alexander Leslie, afterwards second Earl of Leven, was still in his minority, having been born in or about the year 1637. He was, with his surviving sister, Lady Catherine, taken under the care of his grandfather, who having provided the estates to him, made a special provision for his sister,¹ and afterwards arranged her marriage, as already stated, to George, Lord Melville. Young Lord Balgonie had as his tutor or “pedagogue” in 1647, Mr. Robert Turnbull,² and his grandfather, in 1656, arranged his marriage to Margaret, fifth daughter of Sir William Howard, and sister to Charles, Earl of Carlisle. The marriage took place at Naworth Castle, in Cumberland, the residence of the bride’s brother, on 30th December of that year, but Lamont says she did not come to Balgonie till the following month of March. He adds that her dowry was forty-five thousand merks, her jointure from the Leven estates nine thousand merks, and that the home-coming cost Lord Balgonie about twenty-four thousand merks.³

In 1661, on the death of his grandfather, Lord Balgonie succeeded as second Earl of Leven, and as such appeared in parliament at Edinburgh on 14th May of that year, and took the oath of allegiance and his seat. The Earl of Callendar, who had striven so long and unsuccessfully with the first earl to have precedence for his title, took this opportunity to raise the question of new, and on this occasion the question was remitted to the lords of the articles for debate. They, after consideration, and hearing both parties, reported in favour of the Earl of Callendar, and parliament accordingly passed a decree in his favour, in which they state their reasons for so doing. In the same parliament the earl took the precaution of obtaining a ratification of the charter of his lands granted by King Charles the First to his grandfather in 1641.⁴

The earl is mentioned in the following year as forming, with his attendants,

¹ Vol. iii. of this work, p. 173.

² He was a witness to the marriage contract of Colonel Brainer and Margaret Leslie, Lady Brunton.

³ Contract of marriage in Melville Charter-chest; Lamont’s Diary, p. 90.

⁴ Acts of the Parliaments of Scotland, vol. vii. pp. 200, 210, 273.

part of the convoy of the newly consecrated archbishop of St. Andrews, James Sharpe, on his way through Fife to St. Andrews, and he attended the meeting of parliament at Edinburgh on 8th May, at which the bishops were reintroduced as members of the estates. In the following year he was chosen to act on the parliamentary commission for the plantation of kirks, made a justice of the peace for the counties of Berwick and Fife, and placed on a committee for adjusting accounts with the collectors of Fife, which was appointed at his own request.¹ In the same year he was chosen by Anna, Countess of Buccleuch, as one of her curators, and as such signed her marriage contract to James, Duke of Monmouth.²

This earl in 1663 made a new entail of the Leven estates, as, having no male issue, he wished to provide them to his daughters, and failing them, to the second son in succession of the Earls of Rothes, Melville, and Wemyss.³ In terms thereof he resigned his estates, and a signature was given by the king in February 1664 for a re-grant, but before the charter was completed the earl died. In the same year, 1663, he made his testament, but it was not completed. In it he mentions his having two daughters, and refers to another child still unborn. He died at Balgonie on 15th July 1664, Lamont says, of a high fever, after a deep carouse with the Earl of Dundee at Edinburgh and Queensferry. Some say, he relates, that in crossing the Firth they drank sea water to one another, and after their landing they drank sack. He was buried at Markinch on 3d August with some ceremony, a funeral sermon being preached on the occasion from James iv. 14, "Our life is but a vapour," by Mr. John Robertson, minister of Edinburgh, and formerly chaplain to the earl; and the annalist adds that this was the first funeral sermon preached in Fife for the last twenty-four years or more. He was survived by his countess for only a short time. She died at Edinburgh on 30th September, the same year, "being bot a tender weake woman," and her body being transported from Leith to Wemyss by water, was interred at Markinch on the evening of the 3d October.⁴ They had issue three daughters:—

1. Margaret, Countess of Leven, who in terms of the new entail made by her father, succeeded to the title and estates. The Earl of Rothes was her tutor, and obtained a new signature from the king in her favour in place of the former one granted to her father. The heirs under the old entail made objection to her succession, but Rothes summoned them to prove their

¹ Acts of the Parliaments of Scotland, vol. vii. pp. 368, 446, 474, 501, 505, 507; Lamont's Diary, pp. 146, 148.

² The Scotts of Buccleuch, by Sir William

Fraser, K.C.B., vol. i. pp. 409-413.

³ Dated 12th February 1663, in Melville Charter-chest.

⁴ Lamont's Diary, pp. 170-172.

claims before the lords of session, who found that the lately deceased earl had the power to alter the entail as he had done.¹ In 1671 she made choice of her curators, among whom were the Duke of Monmouth, the Earls of Rothes, Wemyss, Eglinton, and Carlisle, and Lords Melville, Lindores, and Newark.² Alexander, eighth Earl of Eglinton, here named, was a nephew of John, Earl of Rothes, being the son of his younger sister, Lady Mary, and having no sons of his own, Rothes appears to have designed to marry the young Countess of Leven to Eglinton's younger brother, the Hon. Francis Montgomerie of Giffen. The following letter from her evidently to her aunt, Lady Melville, is interesting as dealing with this subject. She appears to have been residing at the time with her grandmother, the Countess of Wemyss, who was the aunt of Montgomerie:—

“Wemyss, July 31, 1673.

“MY DIEREST ANT,—I rescued yours and thiuks my self very much obliddged to your gret kyndnes in acquenting me uith things you hier of me, which I cau ashure you I am not guilty of, for my corospondans uith Mr. Muntgomry's sisters is nou almost away, for I wrot not to any of them bot ons sins I sie you, and I am confident nather he nor his sisters has any ground to say I hau any mor lou to him then I shuld hau to a cosin, and nather dar they say so much without giuing me much ofens, for it neuer uas my humer to given any man that satisfaction to say I have any partikuler lou to him, nether did he euer demand that of me yet. I beliu when he coms ouer he uill do it, and the chansler will do all he can too. Bot be ashured I shall giu my consent to mary to no man till I be twenty yiers of ag, and then I hop in God I shall not be iu gret danger of bearing bairus. I got word from Dr. Waderburn that if I married nou I shuld haserd both my oun lyf and my chyld's. Bot I intend to put the wyen to no hazerd sins I beliu its only the chansler's desyr to get him this fortoun and me to dy, and therfor iu a mater I oght to consider upou or I weaken the family my gret grandfather got at the prys of his blood. I am sorry you think I can disemell, espitily uith on I loue so riell as you. Realy the thoughts of it put me in a gret distemper hier yesterdy, and I uas a litel uuried, for I neuer imagind you had such an ill opiniou of me as to think I could disemell any, sins my father uas so frie of it. I asoir you all the kyndnes euer I profesed to you was all iu tru afECTION, and if you do not beliu me it shall truble me mighttily, sins I prys your kyndnes at so gret a rait that I wold not los it for any thing iu the world. I shall falow my lady's derekshon as will sertenly it uill be my saifest uay. I shall declair myself no farder of the kyndnes I hau mor to my dier father's beloued sister, bot shall say this far uithout any disemlin, —I am intierly, my dierest heart, your oun

M. LEVEN.

¹ Decreet, 10th February 1665, in Melville Charter-chest.

² The innkeeper's account for providing

the dinner on the occasion at Cupar, 18th April, was over £140 Scots. [In Melville Charter-chest.]

"I hau sent the berer expres uth this long leter, desyring to send a kleu of virset uth him. My most humble seruis to your lord and children, and lykuys the master, I shall sho you if it be good."¹

Probably, however, the countess was not permitted to carry out her own wishes in the matter, for within a few months the contract of marriage between her and Mr. Francis Montgomerie was prepared, and the marriage was to be solemnised with all convenience thereafter.² When it took place does not appear, but the event that was feared was what actually happened. The countess died in November 1674, leaving no issue. Her husband, by the contract, was entitled to a large jointure out of the estates, which led to a lawsuit between him and the third Earl of Leven, to which reference has been made in the latter's memoir. One of the pleas urged was that the marriage ought never to have taken place, as the young countess was in no condition for matrimony, and that she was forced thereto by the Duke of Rothes; but medical evidence was adduced on both sides, which determined nothing, and the plea was not sustained.³ She was succeeded by her only surviving sister, Lady Catherine Leslie.

2. Lady Anna Leslie, the second daughter, is mentioned in the testament of her father in 1663. In an account by the apothecary who furnished medicines for the three sisters from 11th July 1668 to 22d January 1676, and which amounted to £2312, 9s. 0d., Lady Anna is said to have been the most valetudinary of the three. She must have predeceased her eldest sister.
3. Catherine, Countess of Leven, who was born in 1663 or 1664, and succeeded on the death of her sister, Lady Margaret, to the title and estates of Leven. George, Lord Melville, was on 15th January 1675 appointed tutor-in-law to her by letters under the great seal,⁴ and in October of the same year she chose as her curators the Duke of Monmouth, the Earl of Carlisle, George, Lord Melville, and his son, the Master, one of whom was to be *sine qua non*; and there were others, but the Duke of Rothes is not named. Countess Catherine, as is indicated by the apothecary's account, died on 21st January 1676, unmarried, and was succeeded in the title and estates by her cousin, David Melville, the next heir of entail, as third Earl of Leven. His lineal male descendants have inherited the Leven and Melville peerages, as explained in the previous memoirs of the Melville family.

¹ Copy letter in Melville Charter-chest.

² Contract of marriage, dated 10th October 1673, *ibid.*

³ Papers in Melville Charter-chest. Cf.

Memorials of the Montgomeries, Earls of Eglinton, by Sir William Fraser, K.C.B., vol. i. p. 94.

⁴ In Melville Charter-chest.

ARMORIAL BEARINGS.

For Melville—Quarterly, first and fourth, gules, three crescents argent, within a bordure of the second, charged with eight roses of the first; second and third, argent, a fess gules.

Crest. The head of a ratch hound, erased, sable.

Supporters. Dexter, an eagle; Sinister, a ratch hound, both proper.

Motto. Denique cœlum.

For Leven—Quarterly, first and fourth, azure, a thistle slipped, proper, ensigned with an imperial crown, or, a coat of augmentation to the arms of LESLIE; second and third, argent, on a bend, azure, three buckles or, for Leslie.

Crest. A demi-chevalier in complete armour, holding in his right hand a dagger, erect, proper, the pommel and hilt, or.

Supporters. Two chevaliers in armour, each holding in his exterior hand the banner of Scotland.

Motto. Pro rege et patria.

The coat of arms of the Melville family is of considerable antiquity. But, as a recent writer on heraldry remarks, the arms have varied much, and the remark is warranted by the various charges on the armorial seals of the family of which there is any record. The opportunity for comparison is in this case more than usually ample, as in 1296, at which date the earliest seals of the family are found, no fewer than nine persons of the name of Melville did homage to King Edward the First for lands in several counties of Scotland. Some of the seals then used are preserved, or their charges are known. Thus the seal of Sir John Melville, apparently of Glenbervie, shows a shield with a fess. The seal of James Melville of Aberdeen, probably a burgess, also bears a fess, surmounting a garb. Another seal, belonging to William Melville, who held lands in Peeblesshire, bears a hunting-horn, stringed. Robert Melville, who did homage for lands in Roxburghshire, is said to have used a seal bearing a lion rampant. Reginald Melville, a burgess of Stirling, also swore fealty. His seal is not preserved, but that of his son Henry, attached to a writ of later date, shows a single crescent on a shield.

There is no seal extant, so far as is known, of an early date, bearing the name of any of the Melvilles of Melville in Midlothian; but Sir David Lindsay, in his Book of Heraldry, of date 1542, assigns to "Melving of that ilke" a blazon of gules, three crescents argent, within a bordure of the second, charged with eight roses of the first. This coat also was quartered by the family of Lord

Ross of Halkhead and Melville, after intermarriage, about 1470, with Agnes Melville, the heiress of Melville.

The Melvilles of Carnbee, in Fife, likewise blazoned crescents, but their coat also varied. In one case, of uncertain date, it is described as argent, a fess gules, a bordure of eight gyronny and or. In 1685 their arms, as registered in the Lyon Office, were—or, three cushions gules, each charged with a crescent, argent all within a bordure of the second, charged with eight roses of the first. But a seal, appended to a charter by John Melville of Carnbee in the year 1509, shows a shield bearing three cushions, each charged with a crescent. The bordure of roses must have been added at a later date.

The Melvilles of Raith, according to Sir David Lindsay, bore simply argent, a fess gules, but the seal of the earliest known laird of Raith, John Melville in 1412, shows a fess between three crescents. This bearing, which combines the cognizance assigned to the Melvilles of that ilk with another old Melville blazon, the fess, continued to be used by the Melvilles of Raith down to their accession to the peerage of Lord Melville, as shown by extant seals. After the creation of the peerage, Sir Robert Melville of Murdochcairnrie, who up to that time had used the fess between three crescents, received a new coat of arms, blazoned quarterly, first and fourth, gules, three crescents argent, within a bordure of the second, charged with eight roses of the first, as in the blazon of Melville of that ilk; second and third, argent, a fess gules; with the supporters, an eagle and ratch hound, crest and motto, as at present. This blazon was continued by the second and third lords Melville, and also by George, first Earl of Melville. The patent of his arms has not been preserved at Melville, and it is left blank in the Lyon Office Record, the name only being entered; but a blazoned Genealogy by Walter Muir, Rothesay Herald, of date 1690, so far supplies the want of the original and the defective record. Since that period, however, the arrangement of the blazon and supporters has for some reason been altered, the modern armorial bearings of the family showing quarterly, first and fourth argent, a fess gules; second and third, gules, three crescents argent within a bordure of the second, charged with eight roses of the first, while the supporters have changed sides.

The cadets of Raith also appear to have used different coats. Sir Andrew Melville of Garvock blazoned an eagle displayed between three crescents. Melville of Auchmoor, about 1673, showed the fess gules, charged with three crescents, and differenced. Probably about the same period, Sir James Melville of Burntisland, a descendant of Sir James Melville of Hallhill, was allowed the old coat of the Melvilles of that ilk, with a crescent for cadency, as appears from a blazon of his arms at Melville House under the hand of John Sawer, Snawdon herald.

GENEALOGY OF THE FAMILY OF MELVILLE OF MELVILLE.

GALFRID MELVILLE OF MELVILLE, IN MIDLOTHIAN, flourished in the reigns of King Malcolm the Fourth and King William the Lion, and was a prominent courtier of these sovereigns. He held the offices of sheriff of Edinburgh Castle, and justiciar of Scotland, probably south of the Forth. Between 1170 and 1178 he granted the church of Melville to the monks of Dunfermline, and five of his sons appear as witnesses to the charter. He was twice married, his second wife being Matilda Malherbe; and he had seven sons.

GREGORY MELVILLE OF MELVILLE, eldest son, who succeeded. He exchanged the lands of Ednam, etc., in Roxburghshire, for those of Grauton, etc., in Midlothian, and is mentioned in charters to his son,

GALFRID MELVILLE, who was probably ancestor of the family of Melville of Carnbee.

THOMAS MELVILLE, who, with his younger brothers, witnessed a charter by his father.

ROBERT MELVILLE.

HUGH MELVILLE.

RICHARD MELVILLE.

WALTER MELVILLE.

SIR RICHARD MELVILLE, sheriff of Linlithgow under King William the Lion, from whom he received several charters. He married Margaret, daughter of Reginald Prat of Tynedale. In 1174 he was captured at Alnwick with his sovereign, and was compelled before his release to swear fealty to the English king.

WILLIAM MELVILLE, mentioned in charters by his son Gregory.

STEPHEN MELVILLE, probably uncle of Thomas of Temple, as on his death he obtained his lauds. He had a son,

SIR GREGORY MELVILLE, who between 1255 and 1271 confirmed a charter by his grandfather, Sir Richard, for maintaining a chaplainry at Tartraven, through which lands he granted, in 1264, a right of way to the monks of Newbattle. He is frequently mentioned as a witness to charters, and about 1264 is designated lately sheriff of Aberdeen. He had a son,

DAVID, who witnessed a charter by his brother Gregory.

THOMAS OF HADDINGTON, who as such witnessed a charter by his brother Gregory. Probably he is also the Thomas of Temple, son of William Melville, who married Christian, sister of Gregory Lysurs, and with her obtained six acres of temple lands in Gorton. He left three daughters.

WALTER MELVILLE, who inherited from his father the temple lands in Gorton, but disposed them to William St. Clair. He was probably the father of

WILLIAM MELVILLE, designated in a charter by his father Sir Gregory, his son and heir. In 1296 he swore fealty to King Edward the First of England. He had a son,

CHRISTIAN, who married Adam, son of Walter, son of Aldwyne.

ALYCIA, who married Richard, son of Galfrid, son of Guunyld.

EVA, who married Malcolm, son of David Dun.

JOHN MELVILLE, who lived during the reign of Robert Bruce, and left a son,

JOHN MELVILLE, LORD OF THAT ILK, who confirmed to the monks of Newbattle in 1329 the charter of right of way through Tartraven granted by his grandfather, Sir Gregory, and also in 1344, his gift of a stone of wax. He had a son,

WALTER MELVILLE, who, on his father's resignation in the hands of King Robert Bruce, had a charter to himself and Margaret, his wife, daughter of John Ayr, of the lands of Capronestoun, in Peeblesshire. He died before 5th July 1365.

THE MELVILLES OF RAITH.

THOMAS MELVILLE, who was a consenting party to his father's charter of 1344. He had a son,

JOHN MELVILLE, FIRST OF RAITH, who had a charter of Pitscottie, in Fife, from William Scott of Balwearie, in the reign of Robert III. His son,

JOHN MELVILLE, LORD OF THAT ILK, who, on 20th November 1379, granted a charter to John, son of John Melville of Carnbee, of the lands of Granton and Stenhouse.

SIR JOHN MELVILLE, SECOND OF RAITH, on 31st May 1412 obtained the lands of Dura from William Scott of Balwearie, with his daughter Marjory Scott in marriage. He entered into a contract with the laird of Wemyss in 1429 about a mill-lade. He had a son and a daughter,

THOMAS MELVILLE, LORD OF THAT ILK, who in 1427 made an agreement with Sir William Tynninghame, parson of Melville, anent the kirk lands. He died before 27th January 1429, when his son,

JOHN MELVILLE, LORD OF THAT ILK, was served heir to him. He died before the year 1442, when his son,

WILLIAM MELVILLE, THIRD OF RAITH, who on 26th May 1474 received a charter of Raith from the abbot of Dunfermline. He married, first, Margaret, daughter of Douglas of Longniddry; and, secondly, Euphame, daughter of Sir Robert Lundie of Balgonie, who survived him. He died before 29th October 1502.

ELIZABETH, who married, about 1455, David Boswell of Balmuto.

^a
THOMAS MELVILLE OF THAT ILK, succeeded in 1442. His estates seem to have suffered from debt. He died in 1458, leaving a daughter Agnes, who married Robert, son of Sir John Ross of Hawkhead. She died before 16th October 1478, and in 1496 her son John Ross, second Lord Ross of Hawkhead and Melville, was returned her heir in the barony of Melville.

^c
JOHN MELVILLE, FIAR OF RAITH. He granted a bond of manrent on 16th August 1487 to Sir John Wemyss of that Ilk. In 1491, on his father's resignation, he obtained the family estates of Raith, and some litigation subsequently took place between him and his father. He married Janet Bonar, daughter of the laird of Rossie, who survived him. He predeceased his father between June 1493 and June 1494, but left two sons,

^d
SIR JOHN MELVILLE, FOURTH OF RAITH, who succeeded his grandfather in the estates of Raith, being served heir on 29th October 1502, and infeft on 24th November following. He was created a knight by King James the Fourth, and rose to high favour with King James the Fifth, by whom he was appointed Master-general of the Ordinance, Captain of the Castle of Dunbar, etc. But having embraced the Reformed faith, he became obnoxious to the ruling clergy, and was executed on a charge of treason in 1548. He married, first, Margaret Wemyss, daughter of Sir John Wemyss of that Ilk, by whom he had a son and daughter; secondly, Helen, eldest daughter of Sir Alexander Napier of Merchiston, who survived him, dying about 1588, by whom also he had issue.

WILLIAM MELVILLE, who, in 1514, had a charter to himself and his wife, Margaret Douglas, sister of Robert Douglas of Lochleven. He died without issue. His wife survived him until about the year 1588.

JOHN MELVILLE, FIFTH OF RAITH, who was restored to his father's forfeited estates on 4th June 1563. He married, first, Isobel, daughter of the laird of Lundie, by whom he had one son and two daughters; secondly, Margaret Bonar, who died in October 1574, also leaving issue; and thirdly, Grissel Meldrum, daughter of the laird of Seggie, who likewise predeceased him in 1597, leaving issue. He died in March 1605.

SIR ROBERT MELVILLE OF MURDOCAIRNIE, afterwards first LORD MELVILLE. He was a distinguished statesman. He was thrice married, first, to Katherine, daughter of William Adamson of Craigcrook, by whom he had one son; secondly, to Lady Mary Leslie, daughter of Andrew, fifth Earl of Rothes; thirdly, in 1613, to Lady Jean Stewart, daughter of Robert, Earl of Orkney, and widow of Patrick, first Lord Lindores, by neither of whom he had issue. He died in 1621.

^e
SIR JAMES MELVILLE of Hallhill, also a distinguished courtier and statesman. He was the author of his "Memoirs." He married Christian Boswell, and had issue two sons and two daughters. He died on 13th November 1617, and was succeeded by his son.

JOHN MELVILLE, SIXTH OF RAITH, succeeded his father in the family estates. In 1602 he obtained a charter of the lands of Raith and others. He married, in 1584, Margaret, daughter of Sir William Scott of Balwearie, who survived him. He died on 17th January 1626, leaving issue.

MR. THOMAS MELVILLE. He had a gift of the marriage of his nephew John, on 4th January 1626. He appears to have died about April 1643.

JAMES MELVILLE, named along with his brother in 1605 in their father's will. He had the lands of Feddinch. He married, and had issue two daughters.

MARGARET, who married, contract dated 1st October 1585, James Wemyss of Bogie, and had issue.

ISOBEL, who married, contract dated 25th January 1588, George, eldest son of George Auchinleck of Balmaano.

AGNES, } who appear to have died
JANET, } young.

ALISON, who married Mr. David Barclay of Touch.

MARGARET, who was still unmarried in 1621, when she was a legatee of her uncle Robert, first Lord Melville.

CHRISTIAN, who was also one of her uncle's legatees in 1621.

KATHERINE, youngest daughter. She was also a legatee in 1621.

^h
JOHN MELVILLE, SEVENTH OF RAITH, THIRD LORD MELVILLE, succeeded his father in Raith in 1626, and in 1635 succeeded his cousin, Robert, second Lord Melville, in his honours. He married, contract dated 27th October 1627, Anne, elder daughter and coheiress of Sir George Erskine, Lord Innertiel, a brother of the first Earl of Kellie. She survived her husband, being still alive in 1648. He died on 22d May 1643, leaving issue.

JAMES MELVILLE, who was connected with the plantation of Ulster. He married, in 1618, Jean Sinclair, "Lady Parbroith," and died about 1653, apparently *s.p.*

DAVID MELVILLE, who appears as a witness to a resignation by his brother-german, John, Lord Melville, on 11th January 1643, was appointed tutor to his brother's children in May 1644, but died in that year, apparently unmarried.

^g
MR. THOMAS MELVILLE, minister of Kinglassie, ancestor of the Melvilles of Cairnie. He married Jean Gourlay, and died 21st April 1675, aged 73. He had issue three sons and three daughters.

JOHN MELVILLE. MOSES MELVILLE. GEORGE MELVILLE.

JEAN.
BATHIA.
CATHERINE.

b

WILLIAM MELVILLE, who had a disposition of the lands of Pitscottie and Dura. He appears frequently on record.

ANDREW MELVILLE, who was a party with his father and brothers in their pleas before the lords of parliament, etc. He lived at Leith.

DAVID, mentioned as son of Euphame Lundie in 1506.

ELIZABETH, who married, contract dated 27th February 1497, John Gourlay, son of the laird of Lamlethan.

MARGARET, who married James Bonar of Rossie.

DAVID MELVILLE, Burgess of Edinburgh, who married and left a son,

WALTER MELVILLE.

CAPTAIN DAVID MELVILLE of Newmill. He had a charter of the mills of Dairsie in 1581. He married Margaret Douglas, but died in October 1594, *s.p.*, when his brother James was served heir to him in Prinlaws, his brother John being served heir to Dairsie mills.

SIR ANDREW MELVILLE of Woodend and Garvock. He was master of the household to Queen Mary and James the Sixth. He married, first, Jean Kennedy, one of Queen Mary's ladies-in-waiting, who was drowned in 1589 in crossing the Firth of Forth on her way to Court; secondly, Elizabeth Hamilton, by whom he had two sons,

WILLIAM MELVILLE, commendator of Tunland and Kilwinning. He was a lord of session from 1587 to 1613. He married Anna Lindsay, and left an only son, Frederick, who died in March 1614, and a daughter, Agnes, who died in 1615, her uncle Andrew being served heir to her on 1st February of that year.

JANET, who married James Kirkcaldy of Grange, and had issue.

KATHARINE, who, on 1st July 1549, on her father's forfeiture, obtained a charter of Shawsmill from David Hamilton, son of the Governor Arran. She married Brown, her son John Brown being retoured her heir on 18th February 1558.

WALTER MELVILLE, one of the gentlemen of the Earl of Murray's chamber. He died young.

JOHN MELVILLE, an illegitimate son, forfeited for taking part in the death of Cardinal Beaton.

JONETA, who married James Johnstone of Elphinstone.

ROBERT, SECOND LORD MELVILLE, formerly styled of Burntisland. He was also a distinguished statesman. He married, first, contract dated 24th and 28th October 1580, Margaret, daughter of Sir Thomas Ker of Ferniehirst, who died on 24th May 1594; secondly, Jean, daughter of Gavin Hamilton of Raploch, and relict of Robert, fourth Lord Ross, who also predeceased him in 1631. He died on 19th March 1635, without issue, and his titles devolved on John Melville of Raith.

JAMES MELVILLE of Hallhill, was served heir to his father on 14th April 1618, in the lands of Prinlaws, and on 22d July 1636, and 12th April 1653, heir of line of Robert, Lord Melville, in the lands of Nether Grange of Kinghorn, the castle of Burntisland, etc. He married, before 1615, Catherine Learmonth, and left issue two sons.

MR. ROBERT MELVILLE, minister of Simpriu, Berwickshire. He married Catherine Melville, and had issue a son and a daughter.

JOHN MELVILLE.

MARGARET.

ELIZABETH, who married John Colville, commendator of Culross, ancestor of the Lords Colville of Culross.

MARGARET, who married Sir John Scot of Scotstarvit, and had issue.

SIR GEORGE MELVILLE, under master of the household to King Charles the Second. He married, and had issue.

HENRY MELVILLE, styled brother of George Melville of Garvock.

JEAN, who married Michael Balfour of Grange.

BATHIA, who married John Trail of Dinnork.

SIR JAMES MELVILLE of Hallhill, also of Burntisland. He married Margaret Farquhar, and died in 1664, leaving two sons.

ROBERT MELVILLE, who

ELIZABETH, who married, contract dated 24th May 1616, Mr. Robert Murray, provost of Methven, and had issue.

EUPHAME, who appears to have died unmarried.

MARGARET, who married James Scrimgeour of Wester Cartmore.

JAMES MELVILLE of Hallhill. He lost the estate of Hallhill by adjudication in 1675, and appears to have died *s.p.* before 1714.

GILBERT MELVILLE, who entered the church, and was successively minister of Arngask and Glendevon, but demitted his office in 1709. In 1714 he was served heir to his father and uncle Robert.

appears to have died *s.p.*, as his nephew was served as his heir in 1714.

g

h

GEORGE, FOURTH LORD MELVILLE AND FIRST EARL OF MELVILLE, born 1636, succeeded his father in 1643, and became a distinguished statesman. Charged with complicity in the Rye-house Plot, he was obliged to flee to Holland, whence, however, he returned with William, Prince of Orange, and was by him created, on 8th April 1690, Earl of Melville, Viscount of Kirkcaldy, Lord Raith, Monimail, and Balwearie. He afterwards became secretary of state for Scotland, president of the council, etc. He married, contract dated 17th January 1655, Catherine, daughter of Alexander, Lord Balgonie, who survived her husband, dying on 2d April 1713. George, Earl of Melville, died on 20th May 1707, aged 71 years. He had issue.

JOHN MELVILLE, who is mentioned in his father's will in 1643. He died before 1675, *s.p.*

k

ALEXANDER, who had the courtesy titles of MASTER OF MELVILLE AND LORD RAITH, born 23d December 1655, was for some time treasurer-depute of Scotland. He married, contract dated 27th August 1689, Barbara, third daughter of Walter Dundas of Dundas, who survived him, dying on 23d February 1719, by whom he had two sons, both of whom died in infancy. He predeceased his father on 27th March 1698.

JOHN MELVILLE, born 28th May 1657.

GEORGE MELVILLE, born 24th September 1664. Both appear to have died young.

DAVID, THIRD EARL OF LEVEN AND SECOND EARL OF MELVILLE, born 5th May 1660. He succeeded to the earldom of Leven on the death of John, Duke of Rothes, in 1681, as heir of his cousin, Catherine, Countess of Leven; and he succeeded his father as Earl of Melville in 1707. He married, contract dated 3d September 1691, Lady Anne Wemyss, eldest daughter of Margaret, Countess of Wemyss, and died on 6th June 1728. They had issue.

l

GEORGE, LORD BALGONIE AND RAITH, who was born in January 1695. He married, contract dated 27th July 1716, his cousin-german, Lady Margaret Carnegie, eldest daughter of David, fourth Earl of Northesk, by whom he had issue. He died in August 1721, and Lady Balgonie died on 7th July 1722.

ALEXANDER, FIFTH EARL OF LEVEN AND FOURTH EARL OF MELVILLE, was educated for the legal profession, and succeeded his nephew in the family honours and estates in 1729. He was high commissioner to the General Assembly for several years. He married, first, in 1721, Mary, eldest daughter of Hon. Colonel John Erskine of Carnock, by whom he had a son; secondly, in March 1726, Elizabeth, daughter of David Monypenny of Pitmilny, Fifeshire, who survived him, dying on 15th March 1783, in her 84th year. He had also issue by her, and died on 2d September 1754.

HON. JAMES LESLIE, alive in 1738.

m

DAVID, FOURTH EARL OF LEVEN AND THIRD EARL OF MELVILLE, born 17th December 1717. He was served heir to his father in 1722, and succeeded his grandfather in 1728, but died in June 1729, in his 11th year.

ANNE, born April 1721, and died in 1723.

DAVID, SIXTH EARL OF LEVEN AND FIFTH OF MELVILLE, born 4th March 1722, served for some time in the army, and succeeded his father in 1754. He was high commissioner to the General Assembly for nineteen years. He married, 29th July 1747, Wilhelmina, daughter of William Nisbet of Dirleton, who died 10th May 1798. Lord Leven died at Edinburgh 9th June 1802, aged 80, leaving issue.

HON. GEORGE LESLIE, alive in 1730. He appears to have died young.

n

ALEXANDER, SEVENTH EARL OF LEVEN AND SIXTH EARL OF MELVILLE, born 7th November 1749. In 1786 he was appointed comptroller of customs in Scotland, and in 1806 he was chosen a representative peer. He was also for some time colonel of a regiment of militia. He succeeded his father in 1802. He married, on 12th August 1784, Jane, daughter of John Thornton of Clapham, Surrey, who died 13th February 1818. The earl died 22d February 1820, leaving issue.

HON. WILLIAM LESLIE, born 8th August 1751, entered the army, and was killed at Princeton, in America, on 3d January 1777.

HON. DAVID LESLIE, born 13th January 1755. He also entered the army, and rose to rank of brigadier-general. He married, 16th January 1787, Rebecca, daughter of Rev. John Gillies, D.D., of Glasgow, and died 21st October 1838, *s.p.*

<p>ⁱ HON. JAMES MELVILLE of Cassingray. He was a witness to a discharge by his brother George, on 22d August 1693, at Melville. He married, contract dated 7th December 1672, Anne, daughter of Mr. Alexander Burnett of Carlups, but appears to have died, <i>s.p.</i>, about 1706. David, third Earl of Leven, his nephew, was served heir-general to him on 19th August 1714.</p>	<p>ISOBEL, who died young. JEAN, who died before 1650.</p>	<p>ANNA, who married Thomas Boyd, younger of Pinkhill, and had issue. KATHERINE. She made her will on 20th February 1692, and appoints her brother, James Melville of Cassingray, her only executor. She died unmarried in March 1692.</p>
<p>^k HON. JAMES MELVILLE of Bargarvie, also of Hallhill, born 18th December 1665. He married Elizabeth Moncrieff, and had issue. He died in 1706.</p>	<p>JOHN MELVILLE, born 24th April 1670. CHARLES MELVILLE, born 2d December 1673. JOHN MELVILLE, born 26th September 1677. All of whom appear to have died young.</p>	<p>MARGARET, who was born on 28th October 1658, and married Robert, fourth Lord Balfour of Burleigh. They had issue. MARY MELVILLE, born 7th May 1662, who died in March 1690. ANNA MELVILLE, born 8th March 1668, who died young. KATHARINE MELVILLE, born 1st June 1671, who died young.</p>
<p>^l LADY MARY, born in July 1692, who married William, second Earl of Aberdeen, and died in 1710, leaving a daughter Anne, Countess of Dumfries. LADY MARGARET, born in March 1696, died in infancy.</p>	<p>GEORGE MELVILLE of Bargarvie, who died in December 1713, apparently unmarried. ALEXANDER MELVILLE of Bargarvie, who, in 1714 and 1737, was served heir to his brother George, and in 1736 to his father.</p>	<p>DAVID MELVILLE, who resided at Sciennes, Edinburgh, and died there, 12th December 1782. MARGARET, who married Mr. John Erskine of Carnock, author of the "Institutes." Their son was Dr. John Erskine of Edinburgh. ANNE, who died unmarried. BARBARA, who married Mr. Alexander Stoddart, minister at Falkland, and had issue. MARY, who died unmarried, 22d June 1759.</p>
<p>^m HON. GENERAL ALEXANDER LESLIE, born in April 1731, who entered the army, and had a distinguished military career. He married, 23d December 1760, the second daughter of Walter Tullideph of Tullideph, and had issue one daughter. He died 27th December 1794. MARY ANNE, who married, in 1787, John Rutherford of Edgerstoun, but died <i>s.p.</i></p>	<p>LADY ANNE, born 27th February 1730, married, 30th April 1748, George, sixth Earl of Northesk, and had issue. She died 8th November 1779. LADY ELIZABETH, born in March 1735, but died in infancy.</p>	<p>LADY ELIZABETH, born in July 1737, married, 10th June 1767, to John, second Earl of Hopetoun, and had issue. She died 10th April 1788. LADY MARY, who married, 5th January 1762, Dr. James Walker of Inverdoat, Fifeshire, and had issue.</p>
<p>ⁿ HON. JOHN LESLIE, born 20th November 1759, also entered the army, and rose to rank of lieutenant-general. He married, 13th September 1816, Jane, eldest daughter and heir of Thomas Cuming, Esq., and assumed the name of Cuming. He died in November 1824, <i>s.p.</i></p>	<p>HON. GEORGE MELVILLE LESLIE, who was born 21st April 1766, and entered the Indian Civil Service at Ceylon in 1802. He married, on 27th November 1802, Jacomina-Gertrude, only daughter of William Jacob Vander Graaff, governor of Java, Batavia. He died on 8th March 1812, leaving an only daughter, named Mary Christiana, of Leven Lodge, Portobello, who still survives.</p>	<p>LADY JANE, born 1st April 1753, who married, on 9th November 1775, Sir John Wishart Belsches Stuart, Bart., of Fettercairn, M.P., and had issue. Died 28th October 1829. LADY MARY ELIZABETH, born 4th March 1757, who married, 8th November 1776, her cousin-german, James, fourth Lord Ruthven, and had issue. She died in 1820. LADY CHARLOTTE, born 22d September 1761. She died on 26th October 1830, unmarried.</p>

DAVID, EIGHTH EARL OF LEVEN AND SEVENTH EARL OF MELVILLE, born 22d June 1785. He entered the royal navy, and rose to the rank of rear-admiral. He succeeded his father on 22d February 1820, and was chosen one of the sixteen representative peers of Scotland. He married, on 21st June 1824, Elizabeth Anne, second daughter of Sir Archibald Campbell of Succoth, and by her, who died on 6th November 1863, had issue two sons and four daughters. He died on 8th October 1860, aged 75 years.

JOHN THORNTON, NINTH EARL OF LEVEN AND EIGHTH EARL OF MELVILLE, born on 18th December 1786. He succeeded his eldest brother in the family dignities in October 1860, and was afterwards elected one of the representative peers of Scotland. He was twice married, first, on 15th September 1812, to Harriet, youngest daughter of Samuel Thornton of Clapham, M.P.; and, secondly, on 23d April 1834, to Sophia, fourth daughter of Henry Thornton, and had issue by both. He died on 16th September 1876.

ALEXANDER, LORD BALGONIE, born 19th November 1831. He entered the army, and rose to the rank of major. For services in the Crimea he obtained from France the Cross of the Legion of Honour, but having contracted disease in that campaign, he died at Roehampton House, Surrey, on 29th August 1857, unmarried.

HON. DAVID ARCHIBALD LESLIE MELVILLE, born on 14th October 1833, and died on 20th October 1854, unmarried.

LADY ELIZABETH JANE LESLIE MELVILLE CARTWRIGHT, who on the death of her father in 1860, inherited the family estates of Melville, the titles being inherited by her uncle, as the heir-male. On 2d November 1858, she married Thomas Robert Brook Cartwright of Aynho, Northamptonshire, second son of Sir Thomas Cartwright, G.C.H., and has had issue one son and four daughters.

LADY ANNA MARIA, who married at Paris, on 26th April 1865, Sir William Stirling-Maxwell, Baronet, and had issue. She died on 8th December 1874.

LADY SUSAN LUCY, who was lady of the bed-chamber to Princess Christian from 1863 to 1883.

LADY EMILY ELEANOR, who, on 28th March 1864, married John Glencairn Carter Hamilton, afterwards Lord Hamilton of Dalzell, Lanarkshire, and died 11th November 1882, leaving issue.

ALEXANDER, TENTH EARL OF LEVEN AND NINTH EARL OF MELVILLE, born 11th January 1817. He succeeded his father in the dignities in 1876, and was subsequently elected one of the sixteen representative peers of Scotland. He died at Glenferness, on 22d October 1889, aged 72 years, unmarried, when the honours devolved upon his half-brother, Ronald.

ALFRED JOHN LESLIE MELVILLE, born 5th June 1826. He entered the service of the East India Company, and died at Penang on 25th May 1851, *s.p.*

RONALD RUTHVEN, ELEVENTH EARL OF LEVEN AND TENTH EARL OF MELVILLE, eldest son of the second marriage, born on 19th December 1835. He married, on 7th May 1885, Emma Selina Portman, eldest daughter of the second Viscount Portman, and has issue.

ALEXANDER WILLIAM LESLIE MELVILLE CARTWRIGHT, born on 23d March 1863, and died 24th September the same year.

ELIZABETH HARRIET, born on 18th August 1859.

MARIAN, born on 11th February 1861.

FRANCES AGNES, born on 22d January 1862.

URSULA, born on 17th July 1864. She married, on 7th August 1889, Charles Walter Cottrell-Dormer of Rousham Park, Oxfordshire, captain of 13th Hussars.

JOHN DAVID LESLIE MELVILLE, LORD BALGONIE, born on 5th April 1886.

ARCHIBALD ALEXANDER LESLIE MELVILLE, born at Glenferness on 6th August 1890.

CONSTANCE BETTY, born on 7th August 1858.

GALFRID JOHN LESLIE MELVILLE, born on 11th November 1863.

FLORENCE EVELYN, who died at Malta on 31st May 1864.

KATHLEEN MABEL, born on 22d November 1868.

^p HON. WILLIAM HENRY LESLIE MELVILLE, born 19th May 1788. He became a director of the East India Company. He died on 9th April 1856, unmarried.

HON. and REV. ROBERT SAMUEL LESLIE MELVILLE, who entered the church. He died on 24th October 1826, unmarried.

HON. ALEXANDER LESLIE MELVILLE, of Branston Hall, county Lincoln, born 18th June 1800. He married, on 19th October 1825, Charlotte, daughter of Samuel Smith, M.P., of Woodhall Park, Herts, and by her, who died on 26th April 1879, has issue.

LADY LUCY, born on 10th December 1789, and died on 11th February 1791.

LADY LUCY, born on 26th January 1794. She married, on 14th July 1824, Henry, son of Samuel Smith, M.P., and died on 23d December 1865.

LADY JANE ELIZABETH, born on 16th May 1796. She married, on 13th October 1816, Francis Pym, of the Hasells, Bedfordshire. She died on 25th April 1848.

LADY MARIANNE, born on 30th November 1797. She married, in 1822, Abel Smith, M.P., and died in the following year, *s.p.*

^q HON. NORMAN LESLIE MELVILLE, born on 5th February 1839. He entered the army, and was a captain in the Grenadier Guards. He married, on 4th December 1861, Georgina, daughter of William Shirley Ball of Abbeyara, county Longford, and has issue.

HON. ERNEST LESLIE MELVILLE, born on 20th January 1843, and died on 1st September 1862, *s.p.*

LADY EMILY MARIA, who married, on 18th November 1858, Robert Williams, of Bridehead, county Dorset.

ANNA MARIA, who died on 25th September 1836.

LADY JULIA LOUISA, who married, on 29th March 1869, Lieutenant-General Richardson Robertson, of Tullibelton, Perthshire, and died on 24th October 1870.

HARRIET ROSA, who died on 20th April 1850.

LADY ADELAIDE HARRIET.

LADY CLARA SOPHIA, born 5th July 1843.

LADY FLORENCE LUCY, born on 15th August 1848. Both daughters of the second marriage.

ALEXANDER SAMUEL LESLIE MELVILLE, born on 28th July 1829. He married, on 30th September 1858, Albinia Frances, youngest daughter of Charles, sixth Viscount Middleton, and has issue.

WILLIAM DAVID LESLIE MELVILLE, born on 9th January 1831, and died in 1839.

HENRY LESLIE MELVILLE, born on 14th October 1833, and died in 1840.

CHARLES LESLIE MELVILLE, born on 21st February 1835.

REV. FREDERICK ABEL LESLIE MELVILLE, M.A., rector of Welbourne, Grantham, county Lincoln, born in September 1838. He married, on 9th June 1869, Susan Georgiana, daughter of Mr. and Lady Louisa Wardlaw Ramsay of Whitehill, and has issue.

ARTHUR HENRY LESLIE MELVILLE, born on 12th March 1842.

CHARLOTTE ELIZABETH, who married on 2d May 1866, William Elphinstone Malcolm of Burnfoot, Dumfriesshire.

MARIANNE, who married, on 27th January 1852, Francis Brown Douglas, advocate, Edinburgh.

CAROLINE, who married, on 9th October 1879, the Very Rev. William Robert Fremantle, D.D., Deau of Ripon.

LUCY SOPHIA, who married, on 28th October 1857, Rev. Henry Wright.

EMILY.

LOUISA JANE.

^r ALEXANDER BRODRICK LESLIE MELVILLE, born on 19th December 1872.

CHARLES LE DESPENCER LESLIE MELVILLE, born on 23d January 1877.

EMMA CHARLOTTE, who married, on 16th June 1887, the Rev. John Otter Stephens, rector of Blankney.

ALBINIA HARRIET, who married, on 25th May 1886, Edward Evans Lombe, of Bylaugh Park, Norfolkshire.

LUCY VICTORIA.

EDITH MARY.

CONSTANCE ALICE.

RUTHVEN WARDLAW LESLIE MELVILLE, born 27th July 1879.

HENRY WILLIAM LESLIE MELVILLE, born 9th June 1881.

MALCOLM ALEXANDER LESLIE MELVILLE, born 11th December 1882.

DOUGLAS MONTAGUE LESLIE MELVILLE, born 12th February, died 26th August 1886.

ANNIE LOUISA, born 2d August 1871.

LUCY MABEL, born 4th October 1873.

ELEANOR, born 19th September 1875.

GENEALOGY OF THE FAMILY OF LESLIE, EARLS OF LEVEN.

SIR ALEXANDER LESLIE, FIRST EARL OF LEVEN, born in Athole about 1580, took service under Gustavus Adolphus, and rose to the rank of field-marshal in the Swedish army. Recalled to Scotland in 1638, he was appointed lord-general of all the Scottish forces, and made several successful expeditions into England. In 1641 he was created Earl of Leven and Lord Balgonie. He was, in 1651, taken prisoner by Cromwell's troops at Alyth, but was restored to liberty on the intercession of the Queen of Sweden, and died in 1661. He married Agnes Renton, daughter of the Laird of Billy, in Berwickshire, who predeceased him in 1651, and by her had issue two sons and five daughters.

GUSTAVUS, who died <i>v.p., s.p.</i>	ALEXANDER, LORD BALGONIE, a colonel in the Swedish army, who married Lady Margaret Leslie, sister of John, Earl, afterwards Duke of Rothes, who survived him. He predeceased his father in 1645, leaving issue.	LADY BARBARA, who married Sir John Ruthven of Dunglas, and had issue.	LADY ANNE, who married, first, Hugh, Master of Lovat; and, secondly, Sir Ralph Delaval of Seaton Delaval. Issue to both.
	LADY CHRISTIAN, who married Walter Dundas, younger of Dundas, and had issue.		LADY MARGARET, who married James, Viscount of Frendraught, and had issue.
			LADY MARY, who married William, third Lord Cranston, and had issue.

ALEXANDER, SECOND EARL OF LEVEN. He succeeded his grandfather in 1661, and died on 15th July 1664. He married, in 1656, Margaret Howard, sister of Charles, Earl of Carlisle. She died in September 1664. They had issue.

CATHERINE, who married George, fourth Lord, afterwards first Earl of Melville, and besides other children had

AGNES, who died young.

MARGARET, COUNTESS OF LEVEN, who succeeded her father in 1664. She married, in 1673, the Hon. Francis Montgomerie of Giffen, and died in November 1674, *s.p.*

LADY ANNA, who died young.

CATHERINE, COUNTESS OF LEVEN, who succeeded her sister in 1674. She died unmarried on 21st January 1676, and was succeeded by her cousin, David Melville, who became third Earl of Leven.

DAVID, THIRD EARL OF LEVEN, and afterwards SECOND EARL OF MELVILLE, who succeeded to the Leven honours and estates after the death of his cousin, Countess Catherine. For his descendants see the Melville Genealogy.

